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Air Pollution Regulations in State Implementation Plans: Texas

Abcor Inc, Wilmington, MA Walden Div

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Office of Air Quality
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Air Pollution Regulations in State Implementation Plans: Texas

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Texas

by

Waiden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-093

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET
OF
EPA-APPROVED REGULATION CHANGES

TEXAS

<u>Submittal Date</u>	<u>Approval Date</u>	<u>Description</u>
8/8/72	3/2/76	Rule 9, Reg. V and VI
4/23/73	6/22/73	Reg. IV and V
12/11/73	7/21/77	Reg. IV
5/9/75	6/1/77	Rule 23 and 24

FEDERAL REGULATIONS

<u>Section Number</u>	<u>Description</u>
52.2283	Control of Volatile Carbon Compounds
52.2284	Control of Degreasing Operations
52.2285	Control of Evaporative Losses from the Filling of Gasoline Storage Vessels in the Houston and San Antonio Areas
52.2286	Control of Evaporative Losses from the Filling of Gasoline Storage Vessels in the Dallas-Fort Worth Area
52.2287	Ship and Barge Loading and Unloading Facilities
52.2288	Control of Evaporative Losses from the Filling of Vehicular Tanks; Houston, San Antonio and El Paso Regions
52.2289	Control of Evaporative Losses from Storage Vessels for Crude Petroleum
52.2290	Regulation for a Motor Vehicle Inspection and Maintenance Program

<u>Section Number</u>	<u>Description</u>
52.2294	Incentive Program to Reduce Vehicle Emissions Through Increased Bus and Carpool Use.
52.2296	Carpool Matching and Promotion System
52.2297	Employer Mass Transit and Carpool Incentive Program
52.2298	Monitoring Transportation Mode Trend
52.2299	Review of New or Modified Indirect Sources
52.2303	Prevention of Significant Deterioration

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STATE AIR POLLUTION REGULATIONS

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- 2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES
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 - 4.5 CARBON MONOXIDE
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GENERAL RULES

(1.0)

Rule 1.

Definitions

In addition to the terms which are defined by Article 4477-5, V.T.C.S., the following terms shall have the meanings given herein:

- 1.01 Act. The Texas Clean Air Act, codified as Article 4477-5.
- 1.02 Ambient Air. That portion of the atmosphere, external to buildings, to which the general public has access.
- 1.03 Article. When followed by a number, "article" refers to provisions of the law as codified in Vernon's Revised Civil Statutes of Texas, 1925, as amended.
- 1.04 Background. Background concentration is defined as that level of air contaminants that cannot be reduced by controlling emissions from man-made sources. It is determined by measuring levels in non-urban areas.
- 1.05 Combustion Unit. Any boiler plant, furnace, incinerator, flare, engine, or other device or system used to oxidize solid, liquid, or gaseous fuels, but excluding motors and engines used in propelling land, water, and air vehicles.
- 1.06 Commercial Incinerators. An incinerator used to dispose of waste material from retail and wholesale trade establishments.
- 1.07 Domestic Wastes. The garbage and rubbish normally resulting from the functions of life within a residence.
- 1.08 Downwind Level. The concentration of air contaminants from a source or sources on a property as measured at or beyond the property boundary.
- 1.09 Exhaust Emission. Air contaminants emitted to the atmosphere from an opening downstream from the exhaust ports of a motor vehicle engine.
- 1.10 Federal Motor Vehicle Regulation. The Motor Vehicle Air Pollution Standards, Title 45, Subtitle A, Part 85, Code of Federal Regulations.
- 1.11 Flue. Any duct, stack, chimney, or conduit used to conduct air contaminants into the open air.
- 1.12 Forage. Any vegetation which may be consumed by animals.

- 1.13 Garbage. Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other food products.
- 1.14 Hydrocarbons. Compounds which contain carbon and hydrogen.
- 1.15 Incinerator. An enclosed combustion apparatus and appurtenances thereto which is used in the process of burning wastes for the primary purpose of reducing its volume and weight by removing the combustibles of the waste, and which is equipped with a flue for conducting products of combustion to the atmosphere. An open trench type (with closed ends) combustion unit may be considered an incinerator when approved by the Executive Secretary.
- 1.16 Inorganic Fluoride Compounds. All inorganic chemicals having an atom or atoms of fluorine in their chemical structure.
- 1.17 Major Upset. An unscheduled occurrence or excursion of a process or operation that results in an emission of air contaminants that contravenes the Texas Clean Air Act and is beyond immediate control, or a release that is initiated to protect life in the immediate or adjacent areas.
- 1.18 Motor Vehicle. A self-propelled vehicle designed for transporting persons or property on a street or highway.
- 1.19 Net Ground-Level Concentration. The upwind level subtracted from the downwind level.
- 1.20 New Source. Any stationary source, the construction or modification of which is commenced after the date of adoption of these Regulations.
- 1.21 Non-Methane Hydrocarbons. The total hydrocarbon content of the sample minus the methane content of the sample.
- 1.22 Opacity. The degree to which an emission of air contaminants obstructs the transmission of light expressed as the percentage to which the light is obstructed as measured by an optical instrument or trained observer.
- 1.23 Outdoor Burning. Any fire or smoke-producing process which is not conducted in a combustion unit.
- 1.24 Particulate Matter. Any material, except uncombined water, that exists as a solid or liquid in the atmosphere or in a gas stream at standard conditions.

- 1.25 Process or Processes. Any action, operation, or treatment embracing chemical, commercial, industrial, or manufacturing factors such as combustion units, kilns, stills, dryers, roasters, and equipment used in connection therewith, and all other methods or forms of manufacturing or processing that may emit smoke, particulate matter, gaseous matter, or visible emissions.
- 1.26 Process Weight Per Hour. "Process Weight" is the total weight of all materials introduced or recirculated into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged into the process will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment used to conduct the process is idle. For continuous operation, the "Process Weight Per Hour" will be derived by dividing the process weight for a 24-hour period by twenty-four.
- 1.27 Property. All land under common control or ownership on which any source or combination of sources is located, coupled with all improvements on such land, and all fixed or movable objects on such land, or any vessel on the waters of this State which may constitute a source.
- 1.28 Rubbish. Nonputrescible solid waste, consisting of both combustible and noncombustible waste materials; combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1600°F to 1800°F).
- 1.29 Smoke. Small gas-borne particles resulting from incomplete combustion consisting predominantly of carbon and other combustible material and present in sufficient quantity to be visible.
- 1.30 Sour Gas. Any natural gas containing more than one and one-half (1-1/2) grains of hydrogen sulfide per one hundred (100) cubic feet, or more than thirty (30) grains of total sulfur per one hundred (100) cubic feet.
- 1.31 Sour Crude. A crude oil which will emit a sour gas when in equilibrium at atmospheric pressure.

- 1.32 Source. A point of origin of air contaminants, whether privately or publicly owned or operated. Upon request of a source owner the Executive Secretary shall determine whether multiple processes emitting air contaminants from a single point of emission will be treated as a single source or as multiple sources.
- 1.33 Standard Conditions. A condition at a temperature of 70°F and a pressure of 14.7 pounds per square inch absolute. Pollutant concentrations from an incinerator will be corrected to a condition of 50% excess air if the incinerator is operating at greater than 50% excess air.
- 1.34 Standard Metropolitan Statistical Area. An area consisting of a county or one or more contiguous counties which is officially so designated by the U.S. Bureau of the Budget.
- 1.35 Submerged Fill Pipe. Any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches above the bottom of the tank or is always submerged during filling operations; or when applied to a tank which is loaded from the side, shall mean any fill pipe the discharge opening of which is entirely submerged when the liquid level is two times the fill pipe diameter in inches above the bottom of the tank.
- 1.36 Sulfur Compounds. All inorganic or organic chemicals having an atom or atoms of sulfur in their chemical structure.
- 1.37 Sweet Crude Oil and Gas. Those crude petroleum hydrocarbons that are not "sour" as defined.
- 1.38 System or Device. Any article, chemical, machine, equipment, or other contrivance, the use of which may eliminate, reduce, or control the emissions of air contaminants to the atmosphere.
- 1.39 Upwind Level. The representative concentration of air contaminants flowing onto or across a property as measured at any point.
- 1.40 Visible Emissions. Particulate or gaseous matter which can be detected by the human eye. The radiant energy from an open flame shall not be considered a visible emission under this definition.
- 1.41 Volatile Organic Compounds. Any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual condition of storage or use.

- 1.42 Volatile Organic Compound - Effluent Water Separation.
Any tank, box, sump, or other container in which any volatile organic compound thereof, floating on or entrained or contained in water entering such tank, box, sump, or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

(1.0) Rule 2. Other Definitions.

Unless specifically defined in the Act or in the Rules of the Board, the terms used by the Board have the meanings commonly ascribed to them in the field of air pollution control.

(2.0) Rule 3. Multiple Air Contaminant Sources or Properties.

- 3.1 In an area where an additive effect occurs from the accumulation of air contaminants from two or more sources on a single property or from two or more properties, such that the level of air contaminants exceeds the ambient air quality standards established by the Texas Air Control Board, and each source or each property is emitting no more than the allowed limit for an air contaminant for a single source or from a single property, further reduction of emissions from each source or property shall be made as determined by the Board.

- 3.2 Two or more property holders in a county having a population of less than 50,000 as determined by the most recent federal census may petition the Board to have their properties designated a single property for purposes of controlling emissions therefrom, if the properties are contiguous except for intervening roads, railroads, rights-of-way, canals and watercourses, which are considered a part of the area for purposes of this provision. The petition shall describe generally the manner in which control of emissions from the combined properties will be administered and shall name the party or parties accepting responsibility thereof. The petition shall be accompanied by an executed copy of a written agreement between the property holders who consent to having their properties so designated and shall also be accompanied by a detailed map of the vicinity showing geographical features such as roads, watercourses, and well-known landmarks; the boundaries of the petitioner's properties; the area to be included in the single property designation; and present land uses in the areas surrounding the area to be included. The Board may place such conditions on the approval of the petition as it may deem appropriate.

(2.0) Rule 4. Circumvention.

No person shall use any plan, activity, device or contrivance which the Executive Secretary determines will, without resulting in an actual reduction of air contaminants, conceal or

appear to minimize the effects of an emission which would otherwise constitute a violation of the Act or Regulations. Air introduced for dilution purposes only is considered a circumvention of the Regulations.

(2.0) Rule 5.

Nuisance.

No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation or property, or as to interfere with the normal use and enjoyment of animal life, vegetation or property.

(2.0) Rule 6.

Traffic Hazard.

No person shall discharge from any source whatsoever such quantities of air contaminants, uncombined water, or other materials which cause or have a tendency to cause a traffic hazard or an interference with normal road use.

(2.0) Rule 7.

Notification Requirements for Major Upset.

The Executive Secretary and the appropriate local air pollution control agency shall be notified as soon as possible of any major upset condition which causes or may cause an excessive emission that contravenes the intent of the Texas Clean Air Act and/or the Regulations of the Board. A list of persons to contact may be obtained from the Executive Secretary upon request.

(2.0) Rule 8.

Notification Requirements for Maintenance.

The Executive Secretary and the appropriate local air pollution control agency shall be notified in writing at least ten (10) days prior to any planned maintenance, start-up, or shut-down which will or may cause an excessive emission that contravenes the intent of the Texas Clean Air Act and/or the Regulations of the Board. If ten (10) days notice cannot be given due to an unplanned occurrence, notice shall be given as soon as practical prior to the shut-down.

(2.0) Rule 9.

Monitoring.

9.1

Any person affected by any Rule or Regulation of the Texas Air Control Board shall monitor by accurately measuring all appropriate emissions under normal operating conditions. The calendar year shall be divided into two monitoring periods which shall be the period January 1 through June 30 and the period July 1 through December 31. Any person affected shall accomplish initial monitoring in the period January 1, 1973 through June 30, 1973. Subsequent monitoring and measurement shall be done in accord with the following:

9.11 Particulate Monitoring.

- 9.111 Any source with a total annual emission of less than or equal to 10 tons or with an emission rate less than 25% of the allowable emission rate is deemed an insignificant source and is exempt from any monitoring except when specifically requested by the Executive Secretary.
- 9.112 Any source with a total annual emission greater than 10 tons but less than 50 tons or with an emission rate equal to or greater than 25% but less than 75% of the allowable emission rate, shall be monitored at least once every two calendar years, in the monitoring period January 1 through June 30 of the odd numbered years.
- 9.113 Any source with an annual emission of 50 tons or more and with an emission rate equal to or greater than 75% of the allowable emission rate shall be monitored at least once in every monitoring period except that there shall be an interval of at least 3 calendar months between required monitoring for each successive monitoring period.
- 9.114 All monitoring shall be accomplished by stack sampling where appropriate, or, where stack sampling is not appropriate, by alternate monitoring methods approved in advance by the Executive Secretary.

9.12 Non-Particulate Monitoring.

- 9.121 Any source with an emission rate less than 25% of the allowable emission rate is deemed an insignificant source and is exempt from any monitoring except when specifically requested by the Executive Secretary.
- 9.122 Any source with an emission rate equal to or greater than 25% but less than 75% of the allowable emission rate shall be monitored at least once every calendar year in the monitoring period January 1 through June 30.
- 9.123 Any source with an emission rate equal to or greater than 75% of the allowable emission rate shall be monitored continuously where technology exists, or, in the absence of adequate technology, at such intervals as approved in advance by the Executive Secretary.

9.124 All monitoring shall be accomplished by either stack sampling or continuous in-stack monitoring where appropriate, or, where stack sampling or continuous in-stack monitoring is not appropriate, by alternate monitoring methods approved in advance by the Executive Secretary.

9.2 The owner or operator of any stationary source in the State, upon notification by the Executive Secretary, shall report monitoring results to the Executive Secretary, on forms furnished by the Executive Secretary. Reports shall be submitted no later than 45 days after the end of the monitoring period. The Executive Secretary may specify in writing additional monitoring and reporting requirements for any individual source or class of sources.

9.3 Copies of all monitoring results shall be retained by the owner or operator of a facility for at least five years and shall be made available to the Board or any members, employees, or agents of the Board and local air pollution control agencies upon request.

(2.0) Rule 10. Sampling Ports.

Any person, at the request of the Board shall provide in connection with each flue a power source near the point of testing in addition to such sampling and testing facilities and sampling ports, including safe and easy access thereto, exclusive of instruments and sensing devices, as may be necessary for the Board to determine the nature and quality of emissions which are or may be discharged as a result of source operations. Evidence and data based on these samples and calculations may be used to substantiate violations of the Act, Rules and Regulations. Agents of the Board shall be permitted to sample the stacks during operating hours.

(2.0) Rule 11. Filing of Emissions Data

Upon request by the Board or the Executive Secretary, any person affected by any Rule or Regulation of the Texas Air Control Board shall file emissions data with the Board on forms supplied by the Board.

(2.0) Rule 12. Exemptions from Rules and Regulations.

12.1 Emissions occurring during major upsets may not be required to meet the allowable emission levels set by the Rules and Regulations upon proper notification as set forth in Rule 7 of these General Rules, if a determination is made by the Executive Secretary after consultation with appropriate local agencies and with appropriate officials of the subject source that the upset conditions were unavoidable and that a shut-down or other corrective actions were taken as soon as practicable.

- 12.2 Emissions occurring during start-up or shut-down of processes or during periods of maintenance may not be required to meet the allowable emission levels set by the Rules and Regulations if so determined by the Executive Secretary upon proper notification as set forth in Rule 8 of these General Rules. The Executive Secretary may specify the amount, time, and duration of emissions that will be allowed during start-up and shut-down and during periods of maintenance.
- 12.3 Smoke generators and other devices used for training inspectors in the evaluation of visible emissions at a training school approved by the Board are not required to meet the allowable emission levels set by the Rules and Regulations, but must be located and operated such that a nuisance is not created at any time.
- 12.4 Equipment, machines, devices, flues, contrivances built or installed to be used at a domestic residence for domestic use are not required to meet the allowable emission levels set by the Rules and Regulations unless specifically required by a particular Regulation.
- 12.5 Sources emitting air contaminants which cannot be controlled or reduced due to a lack of technological knowledge may be exempt from the applicable Rules and Regulations when so determined and ordered by the Texas Air Control Board. The Board may specify limitation and conditions as to the operation of such exempt sources.
- 12.6 No nuisance conditions shall be permitted to occur under these exemptions.
- (2.0) Rule 13. Board Seal.
- The seal of the Board shall bear the words "Texas Air Control Board," the star, and the oak and olive branches common to other official State seals.
- (2.0) Rule 14. Use and Effect of Rules.
- These rules may be used by the Board as guides in the exercise of discretion, where discretion is vested. They shall not be construed as a limitation or restriction on the exercise of discretion, where it exists, nor shall they be construed to deprive the Board of the exercise of any power, duties and jurisdiction conferred by law, or to limit or restrict the amount and character of data or information which may be required for the proper administration of the law.
- (2.0) Rule 15. Sampling Procedures and Terminology.
- Where not otherwise specified in the Rules, Regulations, determinations and orders of the Board, the procedures used

for sampling air and measuring air contaminants, and the methods of expressing the findings shall be those commonly accepted and used in the field of air pollution control.

(2.0) Rule 16. Invoking Jurisdiction of the Board.

Any person may petition the Board through the Executive Secretary for such consideration and action related to air pollution control as he may desire. The Board will review and act on the petition in such manner as the Board may prescribe.

(2.0) Rule 17. Petition for Variance.

Any person seeking a variance, amendment of a variance, or extension of a variance issued to that person shall file a petition on a form prepared by the Board. The form shall be furnished by the Board without charge upon request. In order to obtain a variance past the date by which compliance is to be achieved, a person must have demonstrated continuous and substantial progress toward compliance before the date of petition.

(2.0) Rule 18. Effect of Acceptance of Variance or Permit.

Acceptance of a variance or a permit constitutes an acknowledgement and agreement that the holder thereof will comply with its terms and with the Rules, Regulations, and orders of the Board adopted pursuant to the Act.

(2.0) Rule 19. Initiation of Review.

The Board may initiate proceedings to revoke or amend a variance or a permit on its own motion, on recommendation of the Executive Secretary, or upon request of an interested person who presents reasonable justifiable grounds therefor.

(2.0) Rule 20. Transfers.

A variance or a permit is granted in personam, and does not attach to the realty to which it relates. A variance cannot be transferred without prior notification to the Board. If a transfer of ownership of a source covered by a variance is contemplated by the holder of the variance, and the source and characteristics of the emissions will remain unchanged, upon notification, the Executive Secretary shall issue an endorsement to the variance reflecting the name of the new owner. Continuation of emissions by the new owner without prior notification to the Board makes the variance subject to forfeiture.

- (2.0) Rule 21 Remedies Cumulative.
- The administrative and judicial procedures available to the Board to prevent, correct or remedy air pollution conditions or violations are cumulative. Within the limits of the authority set forth in the Act and these Rules, the Board or the Executive Secretary may act under any one or more of these procedures, as applicable to the facts of a particular air pollution condition or claimed violation.
- (2.0) Rule 22. Severability.
- If any provision of any of the Regulations of the Board or the application of that provision to any person, situation or circumstance is for any reason adjudged invalid, the adjudication does not affect any other provision of the Regulations or the application of the adjudicated provision to any other person, situation, or circumstance. The Board declares that it would have adopted the valid portions and applications of the Regulations without the invalid part and to this end the provisions of the Regulations are declared to be severable.
- (10.0) Rule 23. Any person owning or operating a source of air contaminants shall comply with any applicable New Source Performance Standards promulgated by the Environmental Protection Agency pursuant to Section 111 of the Federal Clean Air Act, as amended, and any applicable Emissions Standards for Hazardous Air Pollutants promulgated by the Environmental Protection Agency pursuant to Section 112 of the Federal Clean Air Act, as amended.
- (4.0) Rule 24. The National Primary and Secondary Ambient Air Quality Standards as promulgated pursuant to Section 109 of the Federal Clean Air Act, as amended, will be enforced throughout all parts of Texas. The Primary Standards are to be achieved no later than three (3) years after the Implementation Plan is approved by the Environmental Protection Agency, and the Secondary Standards are to be achieved within a reasonable time thereafter as so determined by the Texas Air Control Board.
- (2.0) Rule 25. The general rules contained herein shall be in force immediately and shall supercede all previous General Provisions and Procedural Rules of the Texas Air Control Board.

REGULATION I

CONTROL OF AIR POLLUTION FROM SMOKE, VISIBLE EMISSIONS, AND PARTICULATE MATTER

- (51.13) Rule 101. Outdoor Burning
- 101.1 No person may cause, suffer, allow or permit any outdoor burning within the State of Texas, except as provided by Rule 101.2.
- 101.2 Outdoor burning is authorized in the following instances if no nuisance is or will be created:
- 101.21 Outdoor burning when conducted pursuant to a written grant of authority by the Texas Air Control Board or Executive Secretary.
- 101.22 Outdoor burning for the purpose of training fire-fighting personnel when requested by certified mail and when authorized in writing by the local air pollution control agency or local health unit. If notice of denial from the local air pollution control agency or local health unit is not received within ten (10) days of the request, the burning is authorized. Authorization to conduct outdoor burning under this provision may be revoked by the Texas Air Control Board if it is found that this provision is used to circumvent Rule 101.
- 101.23 Outdoor burning of domestic waste at and from a property designed for and used exclusively as a private residence, housing not more than three families when collection of the domestic waste is not provided by the local governmental entity having jurisdiction.
- 101.24 Outdoor burning consisting of campfires and fires used solely for recreational or ceremonial purposes, or in the non-commercial preparation of food.
- 101.25 Outdoor burning in a rural area of trees, brush, grass, and other dry vegetable matter from such area in land-clearing, right-of-way maintenance operations, forest management purposes, and range land management purposes, if all the following conditions are met:

- 101.251 The burning must be outside the corporate limits of a city or town except when it is necessary to eliminate a naturally occurring fire hazard.
- 101.252 The wind direction at the time of starting the burning must be away from any nearby city, town, residence, recreational, commercial, or industrial area.
- 101.253 The burning must be at least one thousand feet from any residence, recreational, commercial, or industrial area except those located on the property where the burning is to take place, except when it is necessary to eliminate a naturally occurring fire hazard.
- 101.254 Heavy oils, asphaltic materials, items containing natural or synthetic rubber or any material other than dry plant growth which may produce unreasonable amounts of smoke must not be burned.
- 101.255 If the burning will cause smoke to blow onto or across a highway, it is the responsibility of the person initiating the burning to post flagmen on affected roads in accordance with the requirements of the Department of Public Safety.
- 101.256 The initial burning for land clearing and right-of-way maintenance purposes may be commenced after 9:00 a.m. Material which will not be completely consumed before 5:00 p.m. shall not be added to the fire.
- 101.257 Burning within an area should be staggered so that total atmospheric loads of smoke are reduced.
- 101.258 Burning shall not be conducted when meteorological forecasts predict wind movement of less than three (3) miles per hour or greater than fifteen (15) miles per hour or when a significant shift in wind direction is predicted which could produce adverse effects to personnel, animals, or property during the burning period.

- 101.259 Burning shall not be conducted during periods of actual or predicted persistent (12 hours or more) low-level (below 1600 feet) atmospheric inversions or in areas covered by a current air stagnation advisory.
- 101.26 Outdoor burning of the garbage and rubbish generated by a city or town having a population of less than 5,000, as determined by the most recent federal census, or by any unincorporated area serving less than 5,000, as determined by the most recent federal census, may be conducted if the following conditions are met:
- 101.261 The city or unincorporated area and the location of the burning must be outside a defined Standard Metropolitan Statistical Area.
- 101.262 Cities in newly designated Standard Metropolitan Statistical Areas shall have eighteen (18) months after the designation of the Standard Metropolitan Statistical Area to comply with Rule 101.
- 101.263 The location of the burning must not be within a city or town; must be at least one mile from any residential, recreational, commercial, or industrial area; and must be at least 300 yards from any public road.
- 101.264 The initial burning may be commenced only between the hours of 9:00 a.m. and 1:00 p.m. Combustible material must not be added to the fire between 1:00 p.m. of one day and 9:00 a.m. of the following day.
- 101.265 The exceptions provided by Rule 101.26 will not apply after December 31, 1973, to cities with a population over 3,000, as determined by the most recent Federal census.
- 101.27 Outdoor burning of hydrocarbons from pipeline breaks and oil spills may be allowed upon proper notification as set forth in Rule 7 of the General Rules, if the Executive Secretary determines that the burning is necessary to protect the public welfare.

- 101.3 No disposal or deposit outdoors of any material capable of igniting spontaneously is allowed except where the disposal or deposit is made pursuant to a specific grant of authority by the Texas Air Control Board or the Executive Secretary.
- 101.4 The authority to conduct outdoor burning under this Regulation does not exempt or excuse the person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, Regulations and orders of governmental entities having jurisdiction even though the burning is otherwise conducted in compliance with the Regulation.
- (51.9) Rule 102. Incineration
- 102.1 No person may cause, suffer, allow, or permit the burning of garbage or rubbish in a single-chamber residential or commercial incinerator unless the Executive Secretary approves an incinerator demonstrated to provide equivalent performance to multiple chamber incinerators.
- 102.2 No person may cause, suffer or permit the burning of garbage or rubbish in a single-chamber incinerator constructed after April 1, 1972, unless the Executive Secretary approves an incinerator demonstrated to provide equivalent performance to multiple-chamber incinerators.
- (50.1.2) Rule 103. Visible Emissions.
- 103.1 No person may cause, suffer, allow, or permit visible emissions from any stationary flue to exceed an opacity of 30% averaged over a 5-minute period. No person may cause, suffer, allow, or permit visible emissions from any stationary flue beginning construction after January 31, 1972, to exceed an opacity of 20% averaged over a 5-minute period. Visible emissions during the cleaning of a firebox or the building of a new fire, sootblowing, equipment changes, ash removal and rapping of precipitators may exceed the limits set forth in Rule 103.1 for a period aggregating not more than five minutes in any sixty consecutive minutes, nor more than six hours in any ten-day period.
- 103.2 No person may cause, suffer, allow, or permit visible emissions from a waste gas flare for more than five minutes in any 2-hour period except as provided in Rule 12.1 of the General Rules.
- 103.3 No person may cause, suffer, allow, or permit excessive visible emissions from any building or enclosed facility.
- 103.4 No person may cause, suffer, allow, or permit excessive visible emissions from motor vehicles for more than ten consecutive seconds.

- 103.5 No person may cause, suffer, allow, or permit excessive visible emissions from any railroad locomotive, ship or any other vessel, except during reasonable periods of engine start-up.
- 103.6 No person may cause, suffer, allow, or permit visible emissions from any stationary flue having a total flow rate of 100,000 acfm or more to exceed an opacity of 15% averaged over a 5-minute period unless an optical instrument capable of measuring the opacity of emissions is installed in the flue. Records of all such measurements shall be retained as provided for in Rule 9 of the General Rules. The provision shall not apply to flues having gas streams containing moisture which interferes with proper instrument operation, if so determined by the Executive Secretary.
- 103.7 Contributions from uncombined water shall not be included in determining compliance with Rule 103. The burden of proof which establishes the applicability of Rule 103.7 shall be upon the person seeking to come within its provisions.
- (51.3) Rule 104. Particulate Matter from Materials Handling, Construction, and Roads.
- 104.1 Rule 104 shall apply only in Standard Metropolitan Statistical Areas where the federal air quality standards for particulate matter are exceeded.
- 104.2 No person may cause, suffer, allow, or permit any fine material to be handled, transported, or stored without taking at least the following precautions to prevent particulate matter from becoming airborne:
- 104.21 Application of water or suitable chemicals or some other covering on materials stockpiles, and other surfaces which can create airborne dusts under normal conditions;
- 104.22 Installation and use of hoods, fans and filters to enclose, collect, and clean the emissions of dusty materials;
- 104.23 Covering or wetting at all times when in motion, of open-bodied trucks, trailers, or railroad cars transporting materials in areas where the general public has access which can create airborne particulate matter.
- 104.3 No person may cause, suffer, allow or permit a building structure to be used, constructed, altered, repaired or demolished without taking at least the following precautions to prevent particulate matter from becoming airborne:

- 104.31 Use of water or chemicals where feasible for control of dust in the demolition of buildings or structures, in construction operations, or in the clearing of land;
 - 104.32 Use of adequate methods to prevent airborne particulate matter during sandblasting of buildings or other similar operations.
 - 104.4 No person may cause, suffer, allow, or permit a road to be used, constructed, altered, or repaired without taking at least the following precautions to prevent particulate matter from becoming airborne:
 - 104.41 Application of asphalt, oil, water or suitable chemicals on heavily traveled dirt streets as necessary.
 - 104.42 Paving of public or commercial parking surfaces having more than five parking spaces.
 - 104.43 Removal as necessary from paved street and parking surfaces of earth or other materials which have a tendency to become airborne.
 - 104.5 Alternate means of control may be approved by the Executive Secretary of the Texas Air Control Board.
- (50.1) Rule 105. Particulate Matter
- 105.1 No person may cause, suffer, allow, or permit emissions of particulate matter from any source to exceed the allowable rates specified in Table 1 and/or Figure 1.
 - 105.11 If a source has an effective stack height less than the standard effective stack height as determined from Table 2 and/or Figure 2, the allowable emission level must be reduced by multiplying it by

$$\left[\frac{\text{Effective Stack Height}}{\text{Standard Effective Stack Height}} \right]^2$$

- 105.12 Effective stack height shall be calculated by the following equation:

$$h_e + h + 0.083v_e D_e \left[1.5 + 0.82 \left(\frac{T_e - 550}{T_e} \right) D_e \right]$$

where:

h_e = Effective stack height in feet (ft)

h = Physical stack height above ground level in feet (ft)

v_e = Stack exit velocity in feet per second (ft/sec)

D_e = Stack exit inside diameter in feet (ft)

T_e = Stack exit temperature in degrees Rankin ($^{\circ}R$)

- 105.2 No person may cause, suffer, allow or permit emissions of particulate matter from a source or sources operated on a property or from multiple sources operated on contiguous properties to exceed any of the following net ground level concentrations.

105.21 One hundred (100) micrograms per cubic meter ($\mu g/m^3$) of air sampled, averaged over any five (5) consecutive hours.

105.22 Two hundred (200) micrograms per cubic meter ($\mu g/m^3$) of air sampled, averaged over any three (3) consecutive hours.

105.23 Four hundred (400) micrograms per cubic meter ($\mu g/m^3$) of air sampled, averaged over any one (1) hour period.

- 105.3 Rules 105.1 and 105.2 shall not apply to solid fossil fuel fired steam generators.

105.31 No person may cause, suffer, allow, or permit emissions of particulate matter from any solid fossil fuel fired steam generator to exceed 0.3 lb. per million B.T.U. heat input.

(51.8) Rule 106. Transient Operations.

- 106.1 Rules 103 and 105 shall not apply to portable hot-mix asphaltic concrete plants, portable rock-crusher, and other transient operations engaged in public works projects which are not operated at the same premise for more than six months if all the following conditions are met:

- 106.11 The plant is located at least one mile outside the nearest corporate limits of any city or town.
- 106.12 The plant is located at least one mile from any occupied facility or recreational area other than that located on the same property as the plant.
- 106.13 The plant is equipped with cyclones, or wet scrubbers, or water sprays at the material transfer points open to the atmosphere, or other equipment or systems approved by the Executive Secretary, properly installed, in good working order and in operation.
- 106.2 The time requirement for Rule 106.1 may be extended by the Executive Secretary upon written request.
- 106.3 All emissions from sources operating under provisions of Rule 106 shall be controlled so as not to permit or create a nuisance.
- 106.4 Rule 106 shall not apply in Dallas or Harris Counties.
- 106.5 Rule 106 shall not apply to portable hot-mix asphaltic concrete plants after December 31, 1974.
- (51.1) Rule 107. Agricultural Process.
 - 107.1 Rules 103, 104, 105 and 108 shall not apply to any person affected by Section 3.10 (e) of the Texas Clean Air Act.
 - 107.2 No person affected by Section 3.10 (e) of the Texas Clean Air Act may cause, suffer, allow, or permit emissions of particulate matter from any or all sources associated with a specific process to exceed the allowable levels specified in Table 3 and/or Figure 3, except as provided by Rule 107.3.
 - 107.3 Any person affected by Section 3.10 (e) of the Texas Clean Air Act who does not wish to be controlled by the process weight method, established by Rule 107.2, may select an alternate method of control which the Executive Secretary finds will provide emission control efficiency and measurement to achieve the same goal as Rule 107.2.
 - 107.4 Any person affected by Section 3.10 (e) of the Texas Clean Air Act who does not select an alternate method and notify the Executive Secretary, in writing, prior to any plant investigation by the staff of the Texas Air Control Board, shall be controlled by the process weight method established by Rule 107.2, unless the Executive Secretary, at his discretion, chooses to accept proposals for an alternate method at that time.

107.5 Nothing herein is intended to affect the limitations on burning set out in Rule 101.

107.6 Persons affected by Rule 107 shall be in compliance with the provisions set forth herein by February 15, 1973.

(2.0) Rule 108. Persons affected by this Regulation shall be in compliance with the provisions contained herein no later than December 31, 1973. Not later than six months after the effective date of this Regulation, any person affected by this Regulation shall submit to the Texas Air Control Board a written report on his compliance status, including but not limited to, the minimum time required to design, procure, install and test abatement equipment or procedures. Progress reports shall be submitted to the Board every four months commencing in July of 1972 until compliance is achieved.

All persons shall continue to be governed by the provisions of Regulation I, which became effective on March 16, 1967, and amended on January 23, 1968, September 12, 1969, and May 18, 1971, and Regulation II, which became effective February 22, 1968, and amended on September 12, 1969, until December 31, 1973, at which time this Regulation shall supercede the previous Regulation I and II.

TABLE I
ALLOWABLE PARTICULATE EMISSION RATES
FOR SPECIFIC FLOW RATES

Effluent Flow Rate	Rate of Emission
acfm	lb/hr
1,000	3.5
2,000	5.3
4,000	8.2
6,000	10.6
8,000	12.6
10,000	14.5
20,000	22.3
40,000	34.2
60,000	44.0
80,000	52.6
100,000	60.4
200,000	92.9
400,000	143.0
600,000	184.0
800,000	219.4
1,000,000	252.0

Interpolation and extrapolation of the data in this table shall be accomplished by the use of the equation $E = 0.048 q^{0.62}$ where E is the allowable emission rate in lb/hr and q is the stack effluent flow rate in acfm.

FIGURE 1

ALLOWABLE PARTICULATE EMISSION RATES
FOR SPECIFIC FLOW RATES

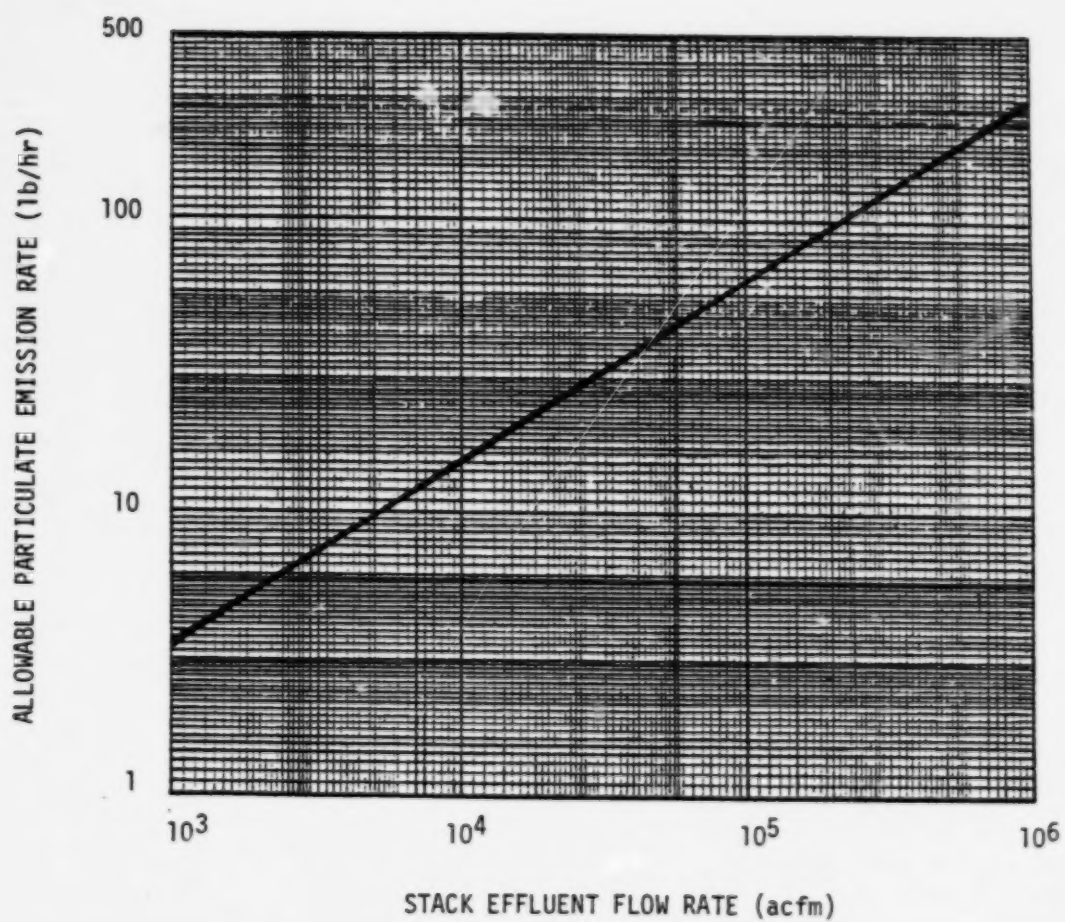


TABLE 2
STANDARD EFFECTIVE STACK HEIGHT
BASED ON SPECIFIC FLOW RATES

Effluent Flow Rate	Standard Effective Stack Height
acfm	ft
1,000	12
2,000	15
4,000	19
6,000	22
8,000	24
10,000	26
20,000	34
40,000	43
60,000	49
80,000	55
100,000	59
200,000	75
400,000	96
600,000	110
800,000	122
1,000,000	132

Interpolation and extrapolation of the data in this Table shall be accomplished by the use of the equation $H_e = 1.05 q^{0.35}$ where H_e is the standard effective stack height in feet and q is the stack effluent flow rate in acfm.

FIGURE 2

STANDARD EFFECTIVE STACK HEIGHT
BASED ON SPECIFIC FLOW RATES

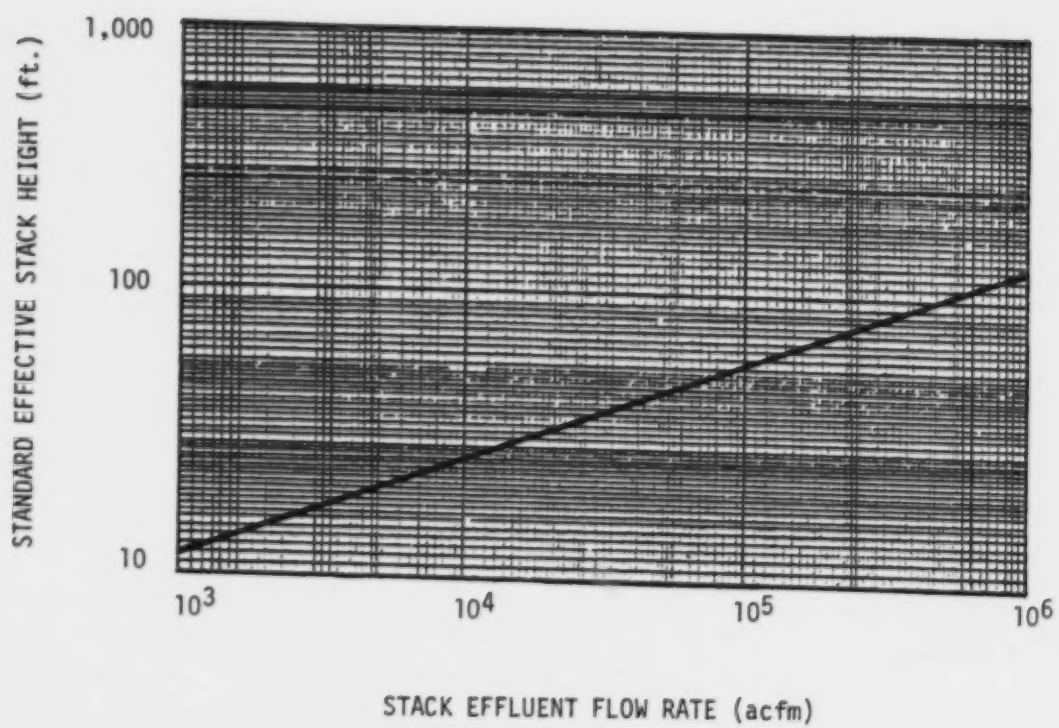


TABLE 3

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

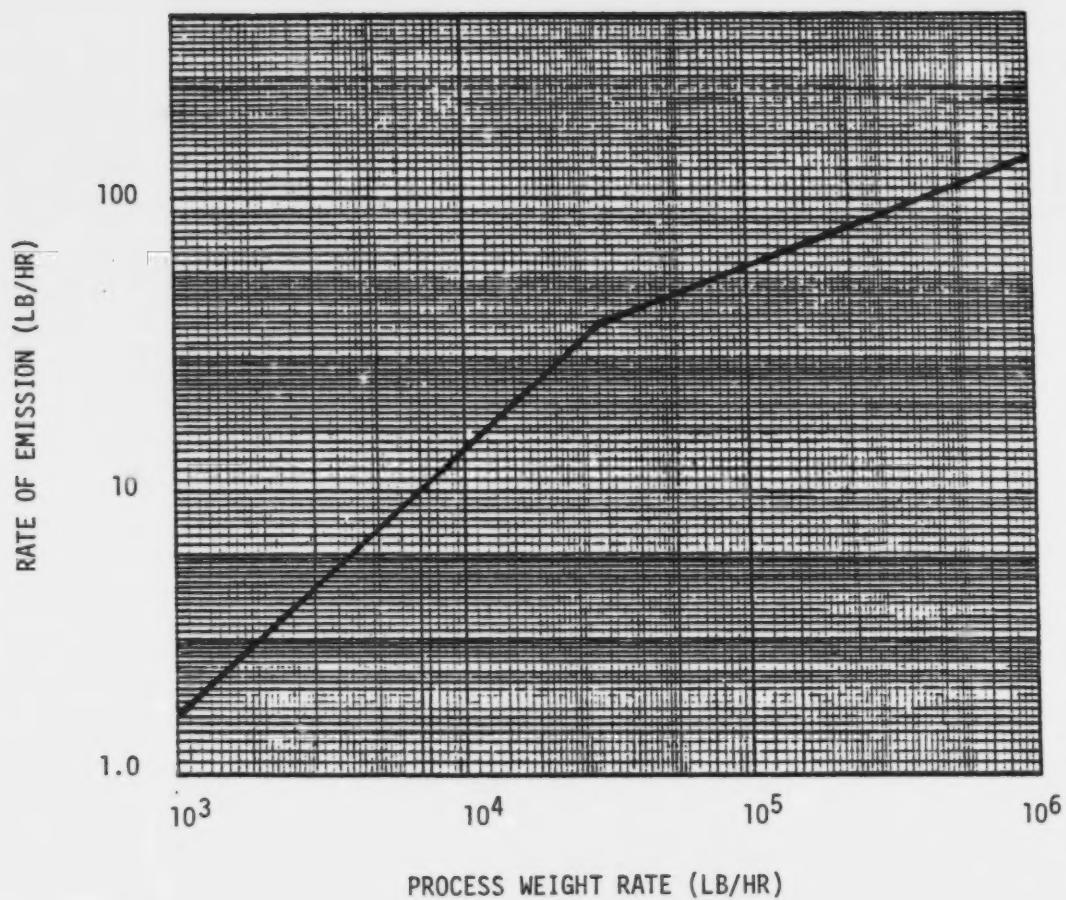
PROCESS WEIGHT RATE	RATE OF EMISSION	PROCESS WEIGHT RATE	RATE OF EMISSION
lb/hr	lb/hr	lb/hr	lb/hr
1,000	1.6	16,000	24.2
1,500	2.4	18,000	27.2
2,000	3.1	20,000	30.1
2,500	3.9	30,000	44.9
3,000	4.7	40,000	59.7
3,500	5.4	50,000	64.0
4,000	6.2	60,000	67.4
5,000	7.7	70,000	70.5
6,000	9.2	80,000	73.2
7,000	10.7	90,000	75.7
8,000	12.2	100,000	78.1
9,000	13.7	150,000	87.7
10,000	15.2	200,000	95.2
12,000	18.2	250,000	101.5
14,000	21.2	500,000	123.9

Interpolation of the data in this table for process weights up to 40,000 lb/hr shall be accomplished by the use of the equation

$E = 3.12 (p^{0.985})$, and interpolation and extrapolation of the data for process weight rates in excess of 40,000 lb/hr shall be accomplished by use of the equation $E = 25.4 (p^{0.287})$ where E = rate of emission in pounds per hour and p = process weight rate in tons per hour.

FIGURE 3

ALLOWABLE PARTICULATE EMISSION LEVELS BASED ON
PROCESS WEIGHT RATE



REGULATION II

CONTROL OF AIR POLLUTION FROM SULFUR COMPOUNDS

(50.2) Rule 201. Control of Sulfur Dioxide.

201.1 No person may cause, suffer, allow, or permit emissions of sulfur dioxide from any sulfuric acid plant burning elemental sulfur to exceed the allowable rates specified in Table 4 and/or Curve A of Figure 4.

201.11 If a source has an effective stack height less than the standard effective stack height as determined from Table 5 and/or Curve A of Figure 5, the allowable emission rates must be reduced by multiplying it by

$$\left[\frac{\text{Effective Stack Height}}{\text{Standard Effective Stack Height}} \right]^2$$

201.12 Effective stack height shall be calculated by the following equation:

$$h_e = h + 0.083 v_e D_e \left[1.5 + 0.82 \left(\frac{T_e - 550}{T_e} \right) D_e \right]$$

where:

h_e = Effective stack height in feet (ft)

h = Physical stack height above ground level in feet (ft)

v_e = Stack exit velocity in feet per second (ft/sec)

D_e = Stack exit inside diameter in feet (ft)

T_e = Stack exit temperature in degrees Rankin ($^{\circ}\text{R}$)

201.2 No person may cause, suffer, allow, or permit emissions of sulfur dioxide from any sulfuric acid plant to exceed the allowable rates specified in Table 6 and/or Curve B of Figure 4.

201.21 If a source has an effective stack height less than the standard effective stack height as determined from Table 7 and/or Curve B of Figure 5, the allowable emission rates must be reduced by multiplying it by

$$\left[\frac{\text{Effective Stack Height}}{\text{Standard Effective Stack Height}} \right]^2$$

- 201.22 Effective stack height shall be calculated by the equation in Rule 201.12.
- 201.3 No person may cause, suffer, allow, or permit emissions of sulfur dioxide from any sulfur recovery plant to exceed the allowable rates specified in Table 8 and/or Curve C of Figure 4.
- 201.31 If a source has an effective stack height less than the standard effective stack height as determined from Table 9 and/or Curve D of Figure 5, the allowable emission rates must be reduced by multiplying it by:
- $$\left[\frac{\text{Effective Stack Height}}{\text{Standard Effective Stack Height}} \right]^2$$
- 201.32 Effective stack height shall be calculated by the equation in Rule 201.12.
- 201.4 No person may cause, suffer, allow, or permit emissions of sulfur dioxide from nonferrous smelters to exceed 0.8% by volume of the total flue gas.
- 201.41 If a source has an effective stack height less than the standard effective stack height as determined from Table 10 and/or Curve C of Figure 5, the allowable emission rates must be reduced by multiplying it by:
- $$\left[\frac{\text{Effective Stack Height}}{\text{Standard Effective Stack Height}} \right]^2$$
- 201.42 Effective stack height shall be calculated by the equation in Rule 201.12.
- 201.5 No person may cause, suffer, allow, or permit emissions of sulfur dioxide from any solid fossil fuel fired steam generator to exceed 3.0 lb. per million B.T.U. heat input. New proven technology must be applied in removing sulfur dioxide from the emission from solid fuel fired steam generators when it becomes available.
- 201.6 No person may cause, suffer, allow, or permit emissions of sulfur dioxide from any liquid fuel fired steam generator, furnace, or heater to exceed 440 ppm, by volume.
- 201.61 If a source has an effective stack height less than the standard effective stack height as determined from Table 11 and/or Figure 6, the

allowable emission concentration must be reduced by multiplying it by:

$$\left[\frac{\text{Effective Stack Height}}{\text{Standard Effective Stack Height}} \right]^2$$

201.62 Effective stack height shall be calculated by the equation in Rule 201.12.

201.7 No person in Galveston or Harris Counties may cause, suffer, allow, or permit emissions of sulfur dioxide from a source or sources operated on a property or multiple sources operated on contiguous properties to exceed a net ground level concentration of 0.28 ppm averaged over any 30-minute period.

201.8 No person in Jefferson or Orange Counties may cause, suffer, allow, or permit emissions of sulfur dioxide from a source or sources operated on a property or multiple sources operated on contiguous properties to exceed a net ground level concentration of 0.32 ppm averaged over any 30-minute period.

201.9 No person may cause, suffer, allow, or permit emissions of sulfur dioxide from a source or sources operated on a property or multiple sources operated on contiguous properties to exceed a net ground level concentration of 0.4 ppm averaged over any 30-minute period.

201.10 Emission rates of sulfur dioxide from sources not regulated by Rules 201.1, 201.2, 201.3, 201.4, 201.5, and 201.6 may be set by the Executive Secretary as necessary to attain ambient air quality standards.

(6.0) Rule 202. Persons affected by this regulation shall be in compliance with the provisions contained herein no later than December 31, 1973. Not later than six months after the effective date of this regulation, any person affected by this regulation shall submit to the Texas Air Control Board a written report on his compliance status, including but not limited to, the minimum time required to design, procure, install and test abatement equipment or procedures. Progress reports shall be submitted to the Board every four months commencing in August of 1972 until compliance is achieved.

All persons shall continue to be governed by the provisions of Regulation III which became effective on February 22, 1968, until December 31, 1973, at which time this regulation shall supercede the previous Regulation III.

TABLE 4
SULFURIC ACID PLANTS BURNING ELEMENTAL SULFUR
ALLOWABLE SULFUR DIOXIDE EMISSION RATES
FOR SPECIFIC FLOW RATES

EFFLUENT FLOW RATE	RATE OF EMISSION
scfm	lb/hr
1,000	19.8
2,000	39.6
4,000	79.2
6,000	119.0
8,000	158.0
10,000	198.0
20,000	396.0
40,000	792.0
60,000	1190.0
80,000	1580.0
100,000	1983.0

Interpolation and extrapolation of the data in this Table shall be accomplished by the use of the equation $E = 0.0198 q$, where E is the allowable emission rate in lb/hr and q is the stack effluent flow rate in scfm.

FIGURE 4

ALLOWABLE SULFUR DIOXIDE EMISSION RATES
FOR SPECIFIC FLOW RATES

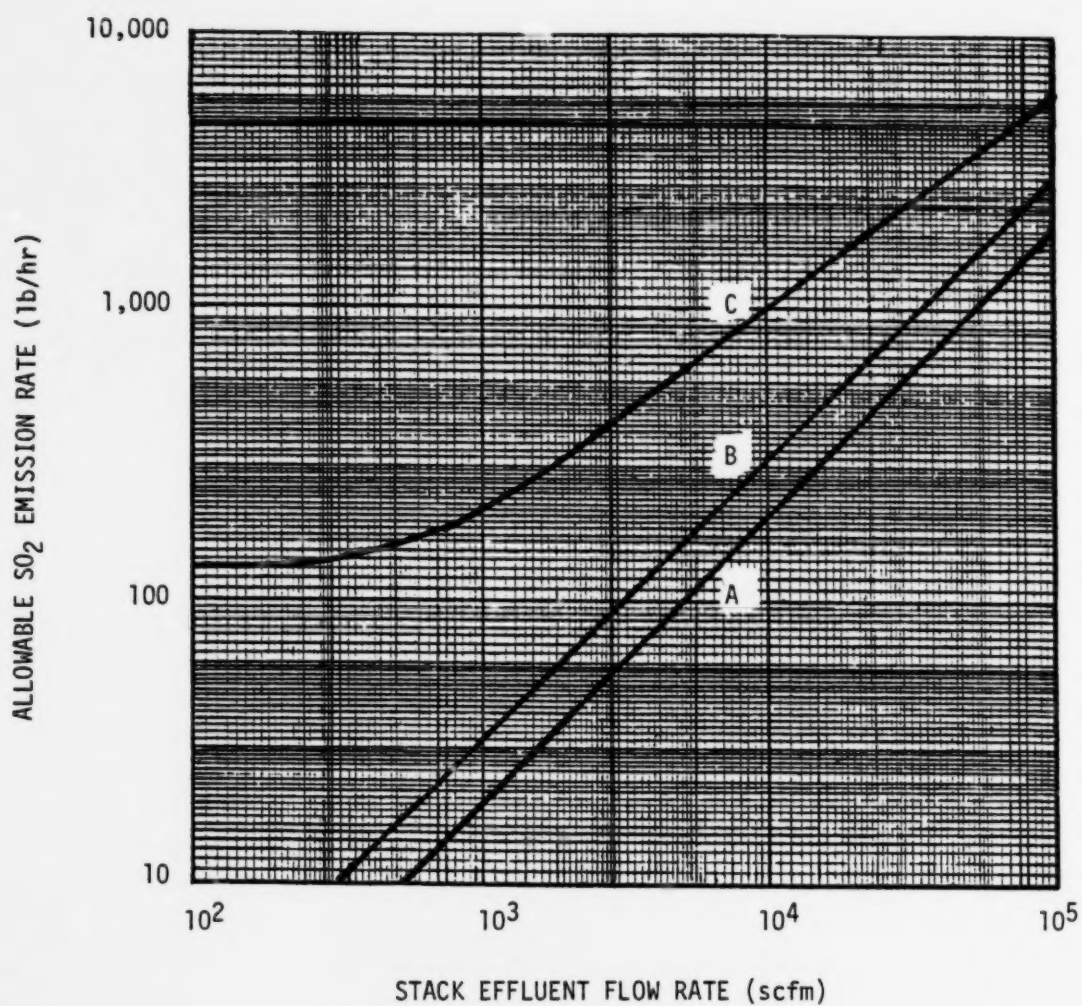


TABLE 5

SULFURIC ACID PLANTS BURNING ELEMENTAL SULFUR
STANDARD EFFECTIVE STACK HEIGHT
BASED ON SPECIFIC FLOW RATES

EFFLUENT FLOW RATE	STANDARD EFFECTIVE STACK HEIGHT
scfm	ft
1,000	28
2,000	40
4,000	56
6,000	69
8,000	79
10,000	89
20,000	125
40,000	177
60,000	217
80,000	250
100,000	280

Interpolation and extrapolation of the data in this Table shall be accomplished by the use of the equation $H_e = 0.885 q^{0.5}$, where H_e is the standard effective stack height in ft. and q is the effluent flow rate in scfm.

FIGURE 5
STANDARD EFFECTIVE STACK HEIGHT
BASED ON SPECIFIC FLOW RATES

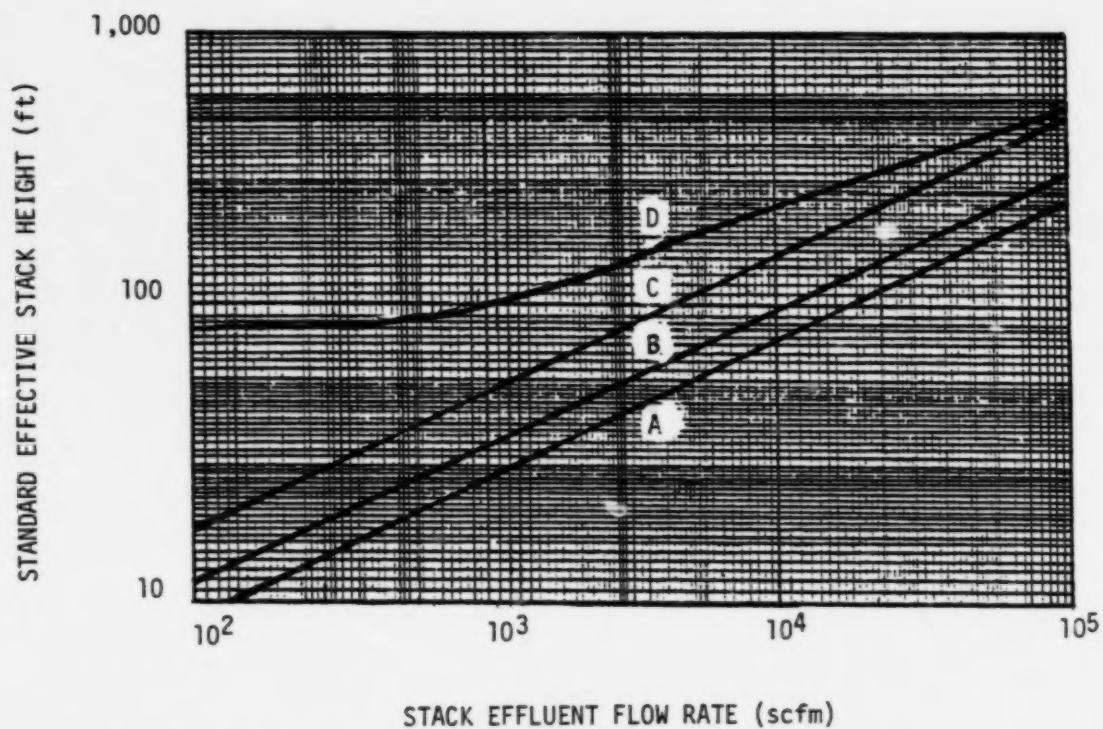


TABLE 6

SULFURIC ACID PLANTS BURNING OTHER THAN ELEMENTAL SULFUR
ALLOWABLE SULFUR DIOXIDE EMISSION RATES
FOR SPECIFIC FLOW RATES

EFFLUENT FLOW RATE	RATE OF EMISSION
scfm	lb/hr
1,000	34.7
2,000	69.4
4,000	138.8
6,000	208.2
8,000	277.6
10,000	347.0
20,000	694.0
40,000	1388.0
60,000	2082.0
80,000	2776.0
100,000	3470.0

Interpolation and extrapolation of the data in this Table shall be accomplished by the use of the equation $E = 0.0347 q$, where E is the allowable emission rate in lb/hr and q is the stack effluent flow rate in scfm.

TABLE 7

SULFURIC ACID PLANTS BURNING OTHER THAN ELEMENTAL SULFUR
STANDARD EFFECTIVE STACK HEIGHT
BASED ON SPECIFIC FLOW RATES

EFFLUENT FLOW RATE	STANDARD EFFECTIVE STACK HEIGHT
scfm	ft
1,000	37
2,000	52
4,000	74
6,000	91
8,000	105
10,000	117
20,000	165
40,000	234
60,000	287
80,000	331
100,000	370

Interpolation and extrapolation of the data in this Table shall be accomplished by the use of the equation $H_e = 1.17 q^{0.5}$, where H_e is the standard effective stack height in ft. and q is the stack effluent flow rate in scfm.

TABLE 8

SULFUR RECOVERY PLANTS
ALLOWABLE SULFUR DIOXIDE EMISSION RATES FOR
SPECIFIC FLOW RATES

EFFLUENT FLOW RATE	RATE OF EMISSION
scfm	lb/hr
1,000	214
2,000	305
3,000	396
4,000	487
5,000	579
6,000	670
7,000	759
8,000	845
9,000	929
10,000	1012
20,000	1766
30,000	2447
40,000	3084
50,000	3690

Interpolation and extrapolation of the data in this Table for stack effluent flow rates less than or equal to 4,000 scfm shall be accomplished by the use of the equation $E = 123.4 + 0.091 q$, where E is the allowable emission rate in lb/hr and q is the stack effluent flow rate in scfm. Interpolation and extrapolation of the data for stack effluent flow rates in excess of 4,000 scfm shall be accomplished by the use of the equation $E = 0.614 q^{0.8042}$.

TABLE 9
SULFUR RECOVERY PLANTS
STANDARD EFFECTIVE STACK HEIGHT
BASED ON SPECIFIC FLOW RATES

EFFLUENT FLOW RATE	STANDARD EFFECTIVE STACK HEIGHT
scfm	ft
100	85
500	96
1,000	109
2,000	129
3,000	148
4,000	164
5,000	178
6,000	192
7,000	204
8,000	215
9,000	226
10,000	236
20,000	311
30,000	366
40,000	411
50,000	450
60,000	484
80,000	544
100,000	595

Interpolation and extrapolation of the data for stack effluent flow rates less than or equal to 4,000 scfm shall be accomplished by the use of the equation $H_e = 7.4 (123.4 + 0.091 q)^{0.5}$, where H_e is the standard effective stack height in feet and q is the stack effluent flow rate in scfm. Interpolation and extrapolation of the data for stack effluent in excess of 4,000 scfm shall be accomplished by the use of the equation $H_e = 5.8 q^{0.402}$.

TABLE 10

NON FERROUS SMELTERS
STANDARD EFFECTIVE STACK HEIGHT
BASED ON SPECIFIC FLOW RATES

EFFLUENT FLOW RATE	STANDARD EFFECTIVE STACK HEIGHT
scfm	ft
1,000	57
2,000	80
3,000	99
4,000	114
5,000	127
6,000	139
7,000	151
8,000	161
9,000	171
10,000	180
20,000	255
30,000	312
40,000	360
50,000	402

Interpolation and extrapolation of the data in this Table shall be accomplished by the use of the equation $H_e = 1.8 q^{0.5}$, where H_e is the standard effective stack height in ft.^e and q is the stack effluent flow rate in scfm.

TABLE 11

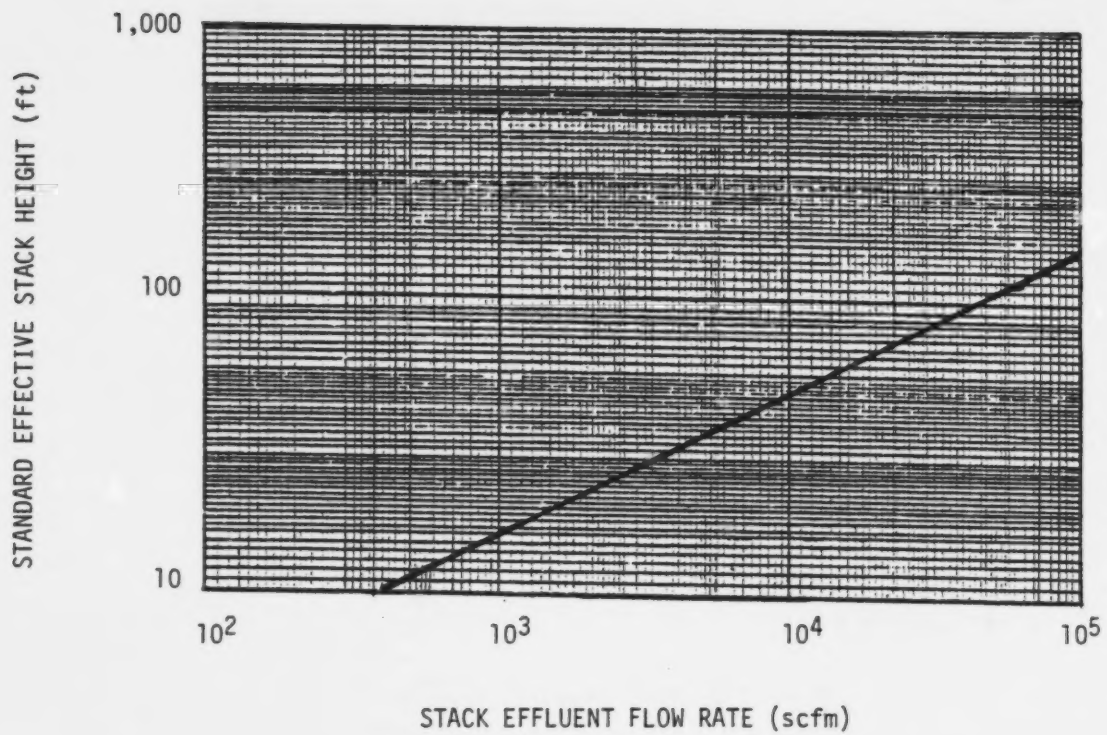
STEAM GENERATORS, BOILERS AND HEATERS BURNING LIQUID FUEL
STANDARD EFFECTIVE STACK HEIGHT
BASED ON SPECIFIC FLOW RATE

EFFLUENT FLOW RATE	STANDARD EFFECTIVE STACK HEIGHT
scfm	ft.
1,000	15
2,000	22
4,000	31
6,000	38
8,000	44
10,000	49
20,000	69
40,000	98
60,000	120
80,000	138
100,000	155

Interpolation and extrapolation of the data in this Table shall be accomplished by the use of the equation $H_e = 0.49 q^{0.50}$, where H_e is the standard effective stack height in feet and q is the stack effluent flow rate in scfm.

FIGURE 6

STANDARD EFFECTIVE STACK HEIGHT
BASED ON SPECIFIC FLOW RATES



REGULATION IV

CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES

- (12.0) Rule 401 Maintenance and operation of air pollution control systems or devices used to control emissions from motor vehicles.
- 401.1 Any person owning or operating any motor vehicle or motor vehicle engine on which is installed or incorporated a system or device used to control emissions from the motor vehicle in compliance with federal motor vehicle rules shall maintain the system or device in good operable condition and shall use it at all times that the motor vehicle or motor vehicle engine is operated.
- 401.2 No person may remove or make inoperable any system or device used to control emissions from a motor vehicle or motor vehicle engine or any part thereof, except where the purpose of removal of the system or device, or part thereof is to install another system or device, or part thereof which is intended to be equally effective in reducing atmospheric emissions from the vehicle.
- 401.3 No person may sell in the state of Texas any motor vehicle which was originally equipped with a control or system in accordance with federal requirements unless all of the following conditions are met:
- 401.31 The motor vehicle shall be equipped with either the control systems or devices that were a part of the motor vehicle engine when sold by the manufacturer in accordance with federal requirements or an alternate control system or device as designated in Rule 401.2.
- 401.32 The control system or device required in 401.31 shall be in good operable condition.
- 401.4 Any part or component of an air pollution control system or device of a motor vehicle or motor vehicle engine equipped with such air pollution control system or device in compliance with federal motor vehicle rules shall not be replaced with a different part or component unless such part or component is designated as a replacement for the specific make and model of the vehicle or vehicle engine.
- (12.0) Rule 402 This Regulation does not apply to motor vehicles or motor vehicle engines which are intended solely or primarily for use on a farm or ranch; or for legally sanctioned motor competitions; for research and development uses or for

instruction in a bona fide vocational training program where the use of a system or device would be detrimental to the purposes for which the vehicle or engine is intended to be used.

(2.0) Rule 403.

The rules contained in this Regulation shall be in force immediately and shall supersede the previous Regulation IV of the Texas Air Control Board which became effective on March 5, 1972.

REGULATION V

CONTROL OF AIR POLLUTION FROM VOLATILE CARBON COMPOUNDS

- (2.0) Rule 501. Regulation V shall apply only in the following counties:
Aransas, Bexar, Brazoria, Calhoun, Dallas, El Paso,
Galveston, Harris, Jefferson, Matagorda, Montgomery,
Nueces, Orange, San Patricio, Travis and Victoria.
- (51.16) Rule 502. Storage of Volatile Carbon Compounds
- 502.1 No person shall place, store, or hold in any stationary tank, reservoir, or other container of more than 25,000 gallons capacity any volatile carbon compounds unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed and equipped with one of the following vapor loss control devices:
- 502.11 A floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile carbon compounds have a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.
- 502.12 A vapor recovery system which reduces the emissions such that the aggregate partial pressure of all volatile carbon compound vapors in vent gases or other material emitted to the atmosphere will not exceed a level of 1.5 psia.
- 502.2 No person shall place, store, or hold in any new stationary storage vessel of more than 1,000 gallons capacity, any volatile carbon compound unless such vessel is equipped with a permanent submerged fill pipe or is a pressure tank as described in 502.1 or is fitted with a vapor recovery system as described in 502.12.

- 502.3 Crude oil or condensate storage containers are exempt from Rule 502.
- (51.16) Rule 503. Volatile Carbon Compounds Loading and Unloading Facilities.
- 503.1 No person shall permit the loading or unloading of volatile carbon compounds from any loading facility having 20,000 gallons or more throughput per day, averaged over any 30-day period, unless such facility is equipped with a vapor recovery system which reduces the emissions such that the aggregate partial pressure of all volatile carbon compound vapors in vent gases or other material emitted to the atmosphere will not exceed a level of 1.5 psia.
- When loading or unloading is effected through the hatches of a tank truck or trailer or railroad tank car with a loading arm equipped with a vapor collecting adaptor, then pneumatic, hydraulic, or other mechanical means shall be provided to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid drainage from the loading device when it is removed from the hatch of any tank truck, trailer or railroad tank car, to accomplish complete drainage before such removal. When loading or unloading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected or equipped to permit residual volatile carbon compounds in the loading line to discharge into a recovery or disposal system after loading is complete.
- 503.2 All loading or unloading facilities for crude oil or condensate and for ships and barges are exempt from Rule 503.
- (51.16) Rule 504. Volatile Carbon Compound - Water Separation.
- 504.1 No person shall use any compartment of any single or multiple compartment volatile carbon compound water separator which compartment receives 200 gallons or more of volatile carbon compounds a day from any equipment which is processing, refining, treating, storing, or handling volatile carbon compounds unless such compartment is controlled in one of the following ways:
- 504.11 The compartment has all openings sealed and totally encloses the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.
- 504.12 The compartment is equipped with a floating roof or internal floating cover which will rest on the surface of the contents and be equipped with a closure seal or seals to

close the space between the roof edge and tank wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

504.13 The compartment is equipped with a vapor recovery system which reduces the emissions such that the aggregate partial pressure of the volatile carbon compound vapors in vent gases or other material emitted to the atmosphere will not exceed a level of 1.5 psia.

504.2 Volatile carbon compound water separators used exclusively in conjunction with the production of crude oil or condensate are exempt from Rule 504.

(51.16) Rule 505. Waste Gas Disposal.

505.1 No person shall emit in any consecutive 24 hour period more than 100 lbs. of ethylene in a waste gas stream from an ethylene producing or consuming plant under normal operating conditions unless the waste gas stream is burned properly at a temperature equal to or greater than 1300°F in a smokeless flare or a direct-flame incinerator.

505.2 No person shall emit a waste gas stream from any process vent containing one or more of the specific carbon compounds listed in Rule 505.21 or one or more compounds which are members of one or more of the classes of carbon compounds listed in Rule 505.22 unless the waste gas stream is burned properly at a temperature equal to or greater than 1300°F in a smokeless flare or a direct-flame incinerator before it is allowed to enter the atmosphere; alternate means of control may be approved by the Executive Secretary in accordance with Rule 506.

505.21 Emission of the following specific carbon compounds shall be regulated under Rule 505.2:

Butadiene	Isoprene
Isobutylene	Propylene
Styrene	α-Methyl-Styrene

505.22 Emissions of the following classes of carbon compounds shall be regulated under Rule 505.2:

Aldehydes	Amines
Alcohols	Acids
Aromatics	Esters
Ethers	Ketones
Olefins	Sulfides
Peroxides	Branches chain hydrocarbons (C ₈ and above)

- 505.23 The following waste gas streams are exempt from the requirements of Rule 505.2:
- 505.231 A waste gas stream having a combined weight of the carbon compounds specified in 505.21 and 505.22 equal to or less than 100 lbs. in any consecutive 24 hour period.
- 505.232 A waste gas stream having a combined weight of the carbon compounds or classes of compounds specified in 505.21 and 505.22 greater than 100 lbs. in any consecutive 24 hour period but less than 250 lbs per hour averaged over any consecutive 24 hour period and having an aggregate partial pressure of the carbon compounds specified in 505.21 and 505.22 less than .44 psia.
- 505.3 No person shall emit in any one calendar year more than five (5) tons of total carbon compounds excluding methane in a waste gas stream from any catalyst regeneration of a petroleum or petrochemical process system, basic oxygen furnace, or fluid-coking unit unto the atmosphere unless the waste gas stream is properly burned at a temperature equal to or greater than 1300°F in a direct-flame incinerator or boiler.
- 505.4 No person shall emit a waste gas stream from any iron cupola into the atmosphere unless the waste gas stream is properly burned at a temperature equal to or greater than 1300°F in an afterburner having a retention time of at least one-fourth (1/4) of a second, and having a steady flame that is not affected by the cupola charge and relights automatically if extinguished.
- 505.5 Waste gas streams from blast furnaces shall be burned in a smokeless flare or be used in one or more of the following ways:
- 505.51 To preheat the blast air before injection into the furnace through the tuyeres;
- 505.52 For steam generation;
- 505.53 For the heating of soaking pits;
- 505.54 For the underfiring of coke ovens;
- 505.55 For other miscellaneous heating uses.

- 505.6 Rule 505 is not intended to require incineration as an exclusive method of control. In no event shall a waste gas stream be incinerated if the incineration will have no practical effect in reducing the emission of air contaminants or will result in an actual degradation of air quality. In all such cases, application shall be made to the Executive Secretary for approval of an alternate method of control. The Executive Secretary shall approve such alternate method if it represents the best available alternative having due regard for the intent of Rule 505 and the effect of the emissions on ambient air quality.
- (2.0) Rule 506. Any person affected by any section of this Regulation may request the Executive Secretary to approve alternate means of control. The Executive Secretary shall approve such alternate means of control if it can be demonstrated that such control will be substantially equivalent to the methods of control approved by this Regulation.
- (2.0) Rule 507. The Executive Secretary, after consultation with appropriate local government agencies, may exempt specific compounds or a specific waste gas stream from the application of this Regulation if it can be demonstrated that the emissions from the compound or specific waste gas stream will not make a significant contribution of air contaminants in the atmosphere.
- (6.0) Rule 508. Compliance.
- 508.1 Any person affected by Rule 502.1 hereof with regard to the storage of a volatile carbon compound in a container having a capacity in excess of 50,000 gallons; any person affected by Rule 502.2 hereof; any person affected by Rule 503 hereof; any person affected by Rule 504 hereof; any person affected by Rule 505.1 hereof with regard to a waste gas stream from an ethylene producing plant; any person affected by Rule 505.3 hereof with regard to catalyst regeneration of a petroleum cracking system, and any person affected by Rule 505.4 or 505.5 shall be in compliance therewith as soon as practicable, but not later than December 31, 1973. Any person who has not previously submitted to the Texas Air Control Board a written report on his compliance status, including but not limited to, the minimum time required to design, procure, install, and test abatement equipment and procedures shall do so immediately. In addition, all persons affected by Rule 508.1 shall submit progress reports to the Board every four months commencing in May of 1973 until compliance is achieved.
- 508.2 All persons affected by this Regulation except as provided in Rule 508.1, shall be in compliance herewith as soon as practicable, but not later than May 31, 1975; and shall submit to the Texas Air Control Board not later than December 31, 1973 a final control plan for compliance detailing the method to be followed to achieve compliance

and specifying the exact dates upon which the following steps shall be taken to achieve compliance:

- 508.21 Dates by which contracts for emission control systems or process modifications will be awarded; or dates by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;
- 508.22 Date of initiation of on-site construction or installation of emission control equipment or process change;
- 508.23 Date by which on-site construction or installation of emission control equipment or process modification is to be completed;
- 508.24 Date by which final compliance is to be achieved.

508.3 All persons affected by Rule 508.2 shall not deviate from the terms of such final control plans including the date for final compliance and the dates for accomplishing the required steps in such plans. The Executive Secretary may, upon application of any person affected, change the date for accomplishing the required steps in a plan, provided such change is not likely to affect the achievement of the final compliance date specified in such plan. Within five (5) days after completion of each of the required steps listed in 508.21 through 508.24, the person submitting the plan shall so notify the Executive Secretary in writing.

(2.0) Rule 509.

The rules contained in this Regulation shall be in force immediately and shall supersede Regulation V on Control of Air Pollution from Volatile Organic Compounds and Carbon Monoxide which became effective on March 5, 1972 and was amended on August 31, 1972.

REGULATION VI

CONTROL OF AIR POLLUTION BY PERMITS FOR NEW CONSTRUCTION OR MODIFICATION

- (3.0) Rule 601. Section 3.27 (a) and Section 3.28 (a) of the Texas Clean Air Act require any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of this State to obtain a construction permit from the Texas Air Control Board before any actual work is begun on the facility, and to obtain an operating permit from the Texas Air Control Board in order to continue to operate the facility after a sixty day start-up period.
- (3.0) Rule 602. The owner of the facility is responsible for applying for and obtaining a permit to construct and operate.
- (3.0) Rule 603. Consideration for Granting a Permit to Construct and Operate.
- 603.1 In order to be granted a permit to construct, the owner of the proposed facility shall demonstrate that:
- 603.11 The proposed facility will comply with all Rules and Regulations of the Texas Air Control Board and with the intent of the Texas Clean Air Act.
- 603.12 The proposed facility will not prevent the maintenance or attainment of any ambient air quality standard.
- 603.13 The proposed facility will not cause significant deterioration of existing ambient air quality in the area.
- 603.14 The proposed facility will have provisions for measuring the emission of significant air contaminants as determined by the Executive Secretary.
- 603.15 The proposed facility will be located in accordance with proper land use planning.
- 603.16 The proposed facility will achieve the performance specified in the application for a permit to construct.
- 603.2 If the owner of the proposed facility cannot demonstrate that the facility will comply with Rule 603.16, a conditional

construction permit may be granted until such time as the owner can demonstrate compliance with Rule 603.16.

603.3 In order to be granted a permit to operate the owner of the facility shall demonstrate that:

603.31 The facility is complying with the Rules and Regulations of the Texas Air Control Board and the intent of the Texas Clean Air Act.

603.32 The facility has been constructed in accordance with the requirements and conditions contained in the permit to construct.

(3.0) Rule 604. Pursuant to Section 3.27 (a) of the Texas Clean Air Act, a permit to construct and a permit to operate shall not be required for those sources exempt by the Texas Air Control Board. A list of exemptions is available upon request from the Executive Secretary of the Board.

(3.0) Rule 605. Persons desiring to be exempt from the permit system may apply in writing to the Executive Secretary of the Texas Air Control Board.

(3.0) Rule 606. Installations exempt by the Texas Air Control Board may be required by local air pollution control agencies to receive a permit or permits from that agency, or register with that agency.

(2.0) Rule 607. The rules contained in this Regulation shall be in force immediately and shall supersede the previous Regulation VI which became effective on June 17, 1971.

REGULATION VII

CONTROL OF AIR POLLUTION FROM NITROGEN COMPOUNDS

- (51.7) Rule 701. Gas Fired Steam Generating Units.
- 701.1 Rules 701.2, 701.3 and 701.4 shall apply only in the Dallas-Fort Worth and Houston-Galveston Air Quality Control Regions.
- 701.2 No person may cause, suffer, allow or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from any "opposed fired" steam generating unit of more than 600,000 lbs/hour maximum continuous steam capacity to exceed 0.7 lbs/million Btu heat input, maximum two-hour average, at maximum steam capacity. An "opposed fired" steam generating unit is defined as a unit having burners installed on two opposite vertical firebox surfaces.
- 701.3 No person may cause, suffer, allow or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from any "front fired" steam generating unit of more than 600,000 lbs/hour maximum continuous steam capacity to exceed 0.5 lbs/million Btu heat input, maximum two-hour average, at maximum steam capacity. A "front fired" steam generating unit is defined as a unit having all burners installed in a geometric array on one vertical firebox surface.
- 701.4 No person may cause, suffer, allow or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from any "tangential fired" steam generating unit of more than 600,000 lbs/hour maximum continuous steam capacity to exceed 0.25 lbs/million Btu heat input, maximum two-hour average, at maximum steam capacity. A "tangential fired" steam generating unit is defined as a unit having burners installed on all corners of the unit at various elevations.
- (51.10) Rule 702. Nitric Acid Manufacturing.
- 702.1 No person may cause, suffer, allow, or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from any nitric acid manufacturing plant to exceed 600 parts per million by volume.
- (6.0) Rule 703. Any person required to modify one steam generating unit to comply with Rule 701 shall be in compliance by July 1, 1974. Any person required to modify two or more steam generating units to comply with Rule 701 shall achieve compliance on at least 50% of such units by July 1, 1974, and shall achieve total compliance by July 1, 1976. On or before December 1, 1972, any person affected by Rule 701 shall submit to the Texas Air Control Board a written report of his compliance

status, including but not limited to, the minimum time required to design, procure, install and test abatement equipment or procedures. Thereafter, progress reports shall be submitted to Persons affected by Rule 702 shall be in compliance with the provisions contained therein no later than December 31, 1973. On or before September 15, 1972, any person affected by Rule 702 shall submit to the Texas Air Control Board a written report of his compliance status, including but not limited to, the minimum time required to design, procure, install and test abatement equipment or procedures. Progress reports shall be submitted to the Board every four months, commencing in October of 1972, until compliance is achieved.

The rules contained in this Regulation shall be in force immediately, and shall supersede the provisions of Regulation VII which became effective on March 5, 1972.

REGULATION VIII

CONTROL OF AIR POLLUTION EMERGENCY EPISODES

(8.0)

Rule 801.

Episode Criteria

801.1

Emergency Episode - The excessive build-up of air contaminants to a level which would, if sustained, pose an imminent and substantial endangerment to the health of persons.

801.2

Episode Criteria - The conditions by which the severity of an emergency episode is judged and which determine what action must be taken. The Executive Secretary in making such judgment shall be guided by the following criteria:

801.21

Air Pollution Forecast - An internal watch by personnel of the Texas Air Pollution Control Services that may be actuated by receipt of an Atmospheric Stagnation Advisory (ASA), or equivalent local forecast of stagnant atmospheric conditions, is in effect.

801.22

"Alert" - The level of the concentration of air contaminants at first stage when control action is to begin, necessitating the declaration of an Air Pollution Alert. First stage concentration occurs when any of the following levels is reached at the monitoring site:

Sulfur Dioxide (SO₂) - 800 $\mu\text{g}/\text{m}^3$ (0.3 ppm), 24-hour average

Particulate - 3.0 COHs or 375 $\mu\text{g}/\text{M}^3$, 24-hour average

Sulfur Dioxide and Particulate Combined - product of sulfur dioxide ppm, 24-hour average, and COHs equal to 0.2 or product of sulfur dioxide -- $\mu\text{g}/\text{M}^3$, 24-hour average, and particulate $\mu\text{g}/\text{m}^3$, 24-hour average equal to 65×10^3

Carbon Monoxide (CO) - 17 mg/M^3 (15 ppm), 8-hour average

Oxidant (O₃) - 200 $\mu\text{g}/\text{M}^3$ (0.1 ppm) 1-hour average

Nitrogen Dioxide (NO₂) - 1130 $\mu\text{g}/\text{M}^3$ (0.6 ppm), 1-hour average, 282 $\mu\text{g}/\text{M}^3$ (0.15 ppm), 24-hour average,

and meteorological conditions are such the pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

801.23

"Warning" - The level of the concentration of air contaminants at second stage that indicates air quality is continuing to degrade and that additional control actions are necessary. The declaration of an Air Pollution Warning is necessary at second stage. Second stage concentration occurs when any one of the following levels is reached at the monitoring site:

Sulfur Dioxide (SO_2) - 1,600 $\mu\text{g}/\text{M}^3$ (0.6 ppm), 24-hour average.

Particulate - 5.0 COHs or 625 $\mu\text{g}/\text{M}^3$, 24-hour average.

Sulfur Dioxide and Particulate Combined - Product of sulfur dioxide ppm, 24-hour average and COHs equal to 0.8 or product of sulfur dioxide $\mu\text{g}/\text{M}^3$, 24-hour average and particulate $\mu\text{g}/\text{M}^3$, 24-hour average equal to 261×10^3 .

Carbon Monoxide (CO) - 34 mg/M^3 (30 ppm), 8-hour average.

Oxidant (O_3) - 800 $\mu\text{g}/\text{M}^3$ (0.4 ppm) 1-hour average.

Nitrogen Dioxide (NO_2) - 2,260 $\mu\text{g}/\text{M}^3$ (1.2 ppm), 1-hour average; 565 $\mu\text{g}/\text{M}^3$ (0.3 ppm), 24-hour average,

and meteorological conditions are such that pollutant concentration can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

801.24

"Emergency" - The level of concentration of air contaminants at third stage that indicates air quality is continuing to degrade to the point that the most stringent controls become necessary. The declaration of an Air Pollution Emergency is necessary at third stage. Third stage concentration occurs when any one of the following levels is reached at the monitoring site:

Sulfur Dioxide (SO_2) - 2,100 $\mu\text{g}/\text{M}^3$ (0.8 ppm), 24-hour average.

Particulate - 7.0 COHs or 875 $\mu\text{g}/\text{M}^3$, 24-hour average.

Sulfur Dioxide and Particulate Combined -
Product of sulfur dioxide ppm, 24-hour average
and COHs equal to 1.2 or product of SO₂ ug/M³,
24-hour average and particulate ug/M³, 24-hour
average equal to 393 x 10³.

Carbon Monoxide (CO) - 46 mg/M³ (40 ppm), 8-hour
average.

Oxidant (O₃) - 1,200 ug/M³ (0.6 ppm), 1-hour
average.

Nitrogen Dioxide (NO₂) - 3,000 ug/M³ (1.6 ppm),
1-hour average; 750 ug/M³ (0.4 ppm), 24-hour
average,

and meteorological conditions are such that
this condition can be expected to continue
for twelve (12) or more hours.

(8.0) Rule 802. Provisions Governing Emergency Episode Control

- 802.1 When the Executive Secretary determines that episode
criteria levels will be reached, he shall make or have
made a declaration of an Air Pollution Alert, an Air
Pollution Warning, or an Air Pollution Emergency, and
the owner and/or operator of an emission source shall
upon notice put into effect the abatement strategy
emission plans as set forth in Appendices I, II, and III,
respectively, which are made a part of this Regulation,
according to the following schedule:
- 802.11 Air Pollution Alert - When an Air Pollution
Alert is declared, any owner and/or operator
of an emissions source shall take Alert Level
Actions and put into effect emission reduction
plans as set forth in Appendix I.
- 802.12 Air Pollution Warning - When an Air Pollution
Warning is declared, any owner and/or operator
of an emissions source shall take Warning
Level Actions and put into effect emission
reduction plans as set forth in Appendix II.
- 802.13 Air Pollution Emergency - When an Air Pollution
Emergency is declared, any owner and/or operator
of an emission source shall take Emergency level
actions and put into effect emission reduction
plans as set forth in Appendix III.
- 802.2 In the event a specified criteria level has been reached
at one or more monitoring sites solely because of emissions
from a limited number of sources, these sources shall be
notified that the emission reduction plans of Appendices
I, II, and III, or standby plans, are required to be put

into effect until the criteria of the specified levels no longer apply.

- 802.3 Enforcement - The Governor or any other properly designated official shall have the authority to declare an air pollution episode in accordance with Rule 801.2. The power to declare an emergency, to act on the basis of that declaration, and to take applicable enforcement measures is set forth in Section 3.14 (c) and Sub-Chapter D of the Texas Clean Air Act.

(6.0) Rule 803. Compliance Schedule

- 803.1 Any owner and/or operator of a stationary source emitting 100 tons or more of any air contaminant per year shall submit in writing to the Executive Secretary, no later than 90 days after the adoption of this regulation, an emission reduction plan and monitoring schedule pertaining to his particular source in accordance with the objectives of Appendices I, II, and III, and Rule 802 herein. The emission reduction plan shall contain a statement as to the percent of reduction expected to be attained by implementation of each phase according to the Appendices. Each emission reduction plan, when approved by the Executive Secretary, shall be binding as of the effective date of this Rule. If an emergency episode should occur before the effective date, the sources affected by Rule 803.1 will be requested to take voluntary abatement action to reduce emissions during the emergency episode. If a request for voluntary curtailment of emissions does not result in reduction of the emissions, the Executive Secretary shall take the actions provided for in Section 3.14 of the Texas Clean Air Act to reduce or discontinue immediately the emission of air contaminants.

- 803.2 Any owner and/or operator responsible for the operation of a source of air contaminants emitting less than 100 tons per year may be notified in writing by the Board or the Executive Secretary of the requirements of this regulation and shall be required to submit in writing to the Executive Secretary emission reduction plans designed to reduce or eliminate emissions pertaining to his particular source in accordance with the objectives of Appendices I, II, and III, and Rule 803 herein. Each reduction plan shall be submitted 90 days after request. When approved by the Executive Secretary, the plan shall be binding. If an emergency episode should occur prior to the Executive Secretary's request, the sources affected by this Rule 803.2 may be requested to take voluntary abatement action to reduce emissions during the emergency episode. If a request for voluntary curtailment of emissions does not result in the reduction of the emissions, the Executive Secretary shall take the actions provided for in Sec. 3.14 of the Texas Clean Air Act to reduce or

discontinue immediately the emission of air contaminants.

(8.0)

Rule 804.

An Operations Manual for Emergency Episodes

Detailed procedures for public notification of impending (and actual) ASA's, Alert, Warning, and Emergency Phases; actions required by Texas Air Pollution Control Services personnel and local air pollution control personnel; notification of public officials; transmission of information to contiguous states as required will be made, upon publication, a part of this regulation.

(2.0)

Rule 805.

The rules contained in this regulation shall be in force immediately.

APPENDIX I

ABATEMENT STRATEGIES FOR EMISSION REDUCTION PLANS

ALERT LEVEL

Part A. GENERAL

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 noon and 4:00 p.m. except where the incinerator is an anti-pollution device integral in a process allowed to operate under "Source Curtailment" sections.
3. Persons operating fuel-burning equipment which required boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.
4. Persons operating motor vehicles should eliminate all unnecessary operations.

Part B. SOURCE CURTAILMENT

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Alert Level.

<u>Source of Air Pollution</u>	<u>Control Action</u>
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
2. Coal and oil-fired process steam generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content.

- b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
 - c. Substantial reduction of steam load demands consistent with continuing plant operations.
- 3. Manufacturing industries of the following classifications:
 - Primary Metals Industry.
 - Petroleum Refining Operations.
 - Chemical Industries.
 - Mineral Processing Industries.
 - Paper and Allied Products.
 - Grain Industry.
 - a. Substantial reduction of air pollutants from manufacturing operations by curtailing, postponing, or deferring production and all operations.
 - b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances.
 - c. Maximum reduction of heat load demands for processing.
 - d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

APPENDIX II

ABATEMENT STRATEGIES FOR EMISSION REDUCTION PLANS

WARNING LEVEL

Part A. GENERAL

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste shall be prohibited except where the incinerator is an anti-pollution device integral in a process allowed to operate under "Source Curtailment" sections.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.
4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

Part B. SOURCE CURTAILMENT

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Warning Level.

<u>Source of Air Pollution</u>	<u>Control Action</u>
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
2. Coal and oil-fired process steam generating facilities.	a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.

- b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
 - c. Making ready for use a plan of action to be taken if an emergency develops.
 - a. Maximum reduction of air contaminants from manufacturing operation by, if necessary, assuming reasonable economic hardships by postponing production and allied operation.
 - b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors, or malodorous substances.
 - c. Maximum reduction of heat load demands for processing.
 - d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
3. Manufacturing industries which require considerable lead time for shut-down including the following classifications:

Petroleum Refining.
Chemical Industries.
Primary Metals Industries.
Glass Industries.
Paper and Allied Products.
4. Manufacturing industries which require relatively short lead time for shut-down including the following classifications:

Primary Metals Industries.
Chemical Industries.
Mineral Processing Industries.
Grain Industry.

 - a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
 - b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.
 - c. Maximum reduction of heat load demands for processing.
 - d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

APPENDIX III

ABATEMENT STRATEGIES FOR EMISSION REDUCTION PLANS

EMERGENCY LEVEL

Part A. GENERAL

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited except where the incinerator is an anti-pollution device integral in a process allowed to operate under "Source Curtailment" sections.
3. All places of employment described below shall immediately cease operations.
 - a. Mining and quarrying of nonmetallic minerals.
 - b. All construction work except that which must proceed to avoid emergent physical harm.
 - c. All manufacturing establishments except those required to have in force an air pollution emergency plan.
 - d. All wholesale trade establishments; i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies, and food.
 - e. All offices of local, county, and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.
 - f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.
 - g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.
 - h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.

- i. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing list and stenographic services; equipment rental services, commercial testing laboratories.
 - j. Automobile repair, automobile services, garages.
 - k. Establishments rendering amusement and recreational services including motion picture theaters.
 - l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.
- 4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.
 - 5. The use of motor vehicles is prohibited except in emergencies with the approval of local or State police.

Part B. SOURCE CURTAILMENT

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Emergency Level.

<u>Source of Air Pollution</u>	<u>Control Action</u>
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Coal and oil-fired process steam generating facilities.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

3. Manufacturing industries
of the following classi-
fications:

Primary Metals Industries.
Petroleum Refining.
Chemical Industries.
Mineral Processing Industries.
Grain Industry.
Paper and Allied Products.

- c. Taking the action called for
in the emergency plan.
- a. Elimination of air pollutants
from manufacturing operations
by ceasing, curtailing, post-
poning or deferring production
and allied operations to the
extent possible without causing
injury to persons or damage to
equipment.
- b. Elimination of air pollutants
from trade waste disposal
processes which emit solid
particles, gases, vapors, or
malodorous substances.
- c. Maximum reduction of heat load
demands for processing.
- d. Maximum utilization of mid-day
(12:00 noon to 4:00 p.m.) atmos-
pheric turbulence for boiler
lancing or soot blowing.

FEDERALLY PROMULGATED
REGULATIONS

Control of Volatile Carbon Compounds

(a) All requirements of Texas Air Control Board Regulation V (as adopted on April 10, 1973) shall apply in Hardin and Tarrant Counties in Texas. The said Regulation has already been approved as a requirement of the applicable implementation plan for the counties specifically named therein.

(b) Except as provided in paragraph (c) of this section, the owner or operator of a source subject to paragraph (a) of this section shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 1, 1978.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than June 1, 1978.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than December 31, 1979.

(4) Final compliance is to be achieved not later than February 29, 1980.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(c) Paragraph (b) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (a) of this section and which has certified such compliance to the Regional Administrator by November 1, 1977. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) A source whose owner or operator receives approval from the Administrator, by November 1, 1977 of a proposed alternative schedule. No such schedule may provide for compliance after February 29, 1980. If approval is promulgated by the Administrator, such schedule shall satisfy the

requirements of this section for the affected source.

(d) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(50.7)

§ 52.2284

Control of Degreasing Operations

(a) Definitions:

(1) "Degreasing" means the operation of using an organic solvent as a surface cleaning agency.

(2) "Organic solvents" include diluents and thinners and are defined as organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(3) "Organic material" means a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(4) "Photochemically reactive solvent" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below, or which exceeds any of the following individual percentage composition limitations, as referred to the total volume of solvent.

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent.

(ii) A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenzene: 8 percent.

(iii) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene, or toluence: 20 percent.

(b) This section is applicable in The Houston-Galveston and San Antonio Intrastate Air Quality Control Regions in the State of Texas.

(c) The following are exempt from the requirements of paragraph (d) of this section.

(1) Degreasing operations which emit less than 3 pounds per hour and less than 15 pounds per day of uncontrolled organic materials.

(2) Degreasing operations which use perchloroethylene, 1, 1, 1-tri-chloroethane, or saturated halogenated hydrocarbons as an organic solvent.

(d) No person shall use for degreasing any photochemically reactive solvent unless the uncontrolled organic emissions from such operation are controlled at least 85 percent overall.

(e) Any owner or operator of a degreasing operation who elects to switch use of solvents to one or more of the solvents exempt under paragraph (c) (2) of this section shall specify intent to the Administrator no later than January 1, 1974. Such a solvent switch shall be made no later than May 31, 1974.

(f) Except as provided in paragraph (g) of this section the owner or operator of any degreasing operation subject to the requirements of paragraph (d) of this section shall comply with the following compliance schedule:

(1) January 1, 1974--Submit to the Administrator a final control plan which describes at a minimum, steps which will be taken by the owner or operator to achieve compliance with the requirements of paragraph (d) of this section.

(2) March 1, 1974--Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(3) July 1, 1974--Initiate on-site construction or installation of emission control equipment or process modification.

(4) May 1, 1975--Complete on-site construction or installation of emission control equipment or process modification.

(5) May 31, 1975--Achieve final compliance with the requirements of paragraph (d) of this section.

(6) Any owner or operator of a degreasing operation subject to the compliance schedule in this paragraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(g) Paragraph (f) of this section shall not apply to:

(1) A degreasing operation which is presently in compliance

with the requirements of paragraph (d) of this section and which has certified such compliance to the Administrator by January 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A degreasing operation for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) A degreasing operation whose owner or operator submits to the Administrator, by January 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 3, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected degreasing operation.

(h) Nothing in this section shall prevent the Administrator from promulgating a separate schedule for any degreasing operation to which the application of the compliance schedule in paragraph (f) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(i) Any person subject to this regulation who begins a degreasing operation after the effective date of this regulation shall comply with the requirements of paragraphs (c), (d), and (e) of this section. Any degreasing operation subject to this regulation which begins operation after May 31, 1975, shall comply with the requirements of paragraphs (c) and (d) of this section at the time such operation begins.

(51.16) 52.2285

Control of Evaporative Losses From the Filling of Gasoline Storage Vessels in the Houston and San Antonio Areas.

(a) Definitions:

(1) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater which is produced for use as a motor fuel and is commonly called gasoline.

(2) "Storage container" means any stationary vessel of more than 1,000 gallons (3,785 liters) nominal capacity. Stationary vessels include portable vessels placed temporarily at a location; e.g., tanks on skids.

(3) "Owner" means the owner of the gasoline storage container(s).

(4) "Operator" means the person who is directly responsible for the operation of the gasoline storage container(s), whether the person be a lessee or an agent of the owner.

(5) "Delivery Vessel" means tank trucks and tank trailers used for the delivery of gasoline.

(6) "Source" means both storage containers and delivery vessels.

(b) This section is applicable to the following counties in Texas: Harris, Galveston, Brazoria, Fort Bend, Waller, Montgomery, Liberty, Chambers, Matagorda, Bexar, Comal, and Guadalupe.

(c) No person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary storage container with a nominal capacity greater than 1,000 gallons (3,785 liters) unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of total hydrocarbon compounds in said vapors.

(1) The vapor recovery system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Other equipment that prevents release to the atmosphere of no less than 90 percent by weight of the total hydrocarbon compounds in the displaced vapor provided that approval of the proposed design installation and operation is obtained from the Regional Administrator prior to start of construction.

(2) The vapor recovery system shall be so constructed that it will be compatible with a vapor recovery system, which may be installed later, to recover vapors displaced by the filling of motor vehicle tanks.

(3) The vapor-laden delivery vessel shall meet the following requirements:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) If any gasoline storage compartment of a vapor-laden delivery vessel is refilled in one of the counties listed in paragraph (b) of this section, it shall be refilled only at a facility which is equipped with a vapor recovery system, or the equivalent, which prevents release to the atmosphere of at least 90 percent by weight of the total hydrocarbon compounds in the vapor displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of one thousand gallons or less in gasoline delivery vessels presently in use on November 6, 1973 will not be required to be retrofitted with a vapor return system until January 1, 1977.

(iv) Facilities which have a daily throughput of 20,000 gallons of gasoline or less are required to have a vapor recovery system in operation no later than May 31, 1977. Delivery vessels and storage vessels served exclusively by facilities required to have a vapor recovery system in operation no later than May 31, 1977, also are required to meet the provisions of this section no later than May 31, 1977.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Storage containers used for the storage of gasoline "used on a farm for farming purposes," as that expression is used in the Internal Revenue Code, 26 U.S.C. Section 6420.

(2) Any container having a nominal capacity less than 2,000 gallons (7571 liters) installed prior to November 6, 1973.

(3) Transfers made to storage containers equipped with floating roofs or their equivalent.

(e) Except as provided in paragraph (f) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification no later than March 31, 1975.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin no later than July 1, 1975.

(3) On-site construction or installation of emission control equipment or process modification must be completed no later than June 30, 1976.

(4) Final compliance is to be achieved no later than August 31, 1976.

(5) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify in writing to the Regional Administrator whether or not the required

increment of progress has been met. The certification shall be submitted within five days after the deadlines for each increment. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies, and the date(s) the increment(s) of progress was (were) met--if met. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(f) Paragraph (e) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Regional Administrator by January 1, 1974. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator receives approval from the Administrator by June 1, 1974, of a proposed alternative schedule. No such schedule may provide for compliance after August 31, 1976. If approval is promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(h) After August 31, 1976 paragraph (c) shall be applicable to every storage container (except those exempted in paragraph (d)) located in the counties specified in paragraph (b). Every storage container installed after August 31, 1976 shall comply with the requirements of paragraph (c) from the time of installation. In the affected counties, storage containers which were installed, or converted to gasoline storage after November 6, 1973, but before August 31, 1976 shall comply with paragraph (c) in accordance with the schedule established in paragraph (e).

(51.16)

52.2286

Control of Evaporative Losses from the Filling of Gasoline Storage Vessels in the Dallas-Fort Worth Area

(a) Definitions:

(1) "Gasoline" means any petroleum distillate having a

Reid vapor pressure of 4 pounds or greater which is produced for use as a motor fuel and is commonly called gasoline.

(2) "Storage container" means any stationary vessel of more than 1,000 gallons (3,785 liters) nominal capacity. Stationary vessels include portable vessels placed temporarily at a location; e.g., tanks on skids.

(3) "Owner" means the owner of the gasoline storage container(s).

(4) "Operator" means the person who is directly responsible for the operation of the gasoline storage container(s), whether the person be a lessee or an agent of the owner.

(5) "Delivery Vessel" means tank truck and tank trailers used for the delivery of gasoline.

(6) "Source" means both storage containers and delivery vessels.

(b) This section is applicable to the following counties in Texas: Dallas, Tarrant, Denton, Wise, Collin, Parker, Rockwall, Kaufman, Hood, Johnson, and Ellis.

(c) No person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary storage container with a nominal capacity greater than 1,000 gallons (3,785 liters) unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of total hydrocarbon compounds in said vapors.

(1) The vapor recovery system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Other equipment that prevents release to the atmosphere of no less than 90 percent by weight of the total hydrocarbon compounds in the displaced vapor provided that approval of the proposed design installation, and operation is obtained from the Regional Administrator prior to start of construction.

(2) The vapor recovery system shall be so constructed that it will be compatible with a vapor recovery system, which may be installed later, to recover vapors displaced by the filling of motor vehicle tanks.

(3) The vapor-laden delivery vessel shall meet the following requirements:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) If any gasoline storage compartment of a vapor-laden delivery vessel is refilled in one of the counties listed in paragraph (b) of this section, it shall be refilled only at a facility which is equipped with a vapor recovery system, or the equivalent, which prevents release to the atmosphere of at least 90 percent by weight of the total hydrocarbon compounds in the vapor displaced from the delivery vessel during refilling.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Storage containers used for the storage of gasoline "used on a farm for farming purposes," as that expression is used in the Internal Revenue Code, 26 U.S.C. Section 6420.

(2) Any container having a nominal capacity less than 2,000 gallons (7571 liters) installed prior to promulgation of this section.

(3) Transfers made to storage containers equipped with floating roofs or their equivalent.

(e) Except as provided in paragraph (f) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification no later than September 30, 1977.

(2) Initiation of on-site construction or installation of emission control equipment or process modification must begin no later than January 31, 1978.

(3) On-site construction or installation of emission control equipment or process modification must be completed no later than August 31, 1978.

(4) Final compliance is to be achieved no later than September 30, 1978.

(5) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify in writing to the Regional Administrator whether or not the required increment of progress has been met. The

certification shall be submitted not later than February 15, 1978, for award of contracts and initiation of construction, and not later than October 15, 1978, for completion of construction and final compliance. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies, and the date(s) the increment(s) of progress was (were) met--if met. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(f) Paragraph (e) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Regional Administrator by August 1, 1977. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator receives approval from the Administrator by August 1, 1977, of a proposed alternative schedule. No such schedule may provide for compliance after September 30, 1978. If approval is promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(h) After September 30, 1978, paragraph (c) shall be applicable to every storage container (except those exempted in paragraph (d)) located in the counties specified in paragraph (b). Every storage container installed after September 30, 1978 shall comply with the requirements of paragraph (c) from the time of installation. In the affected counties, storage containers which were installed, or converted to gasoline storage after promulgation of this section, but before September 30, 1978 shall comply with paragraph (c) in accordance with the schedule established in paragraph (e).

Ship and Barge Loading and Unloading Facilities

(a) Rule 503.2 of the Texas Air Control Board Regulation V as incorporated by reference on May 31, 1972 (37 FR 10842) is amended to read: "All loading and unloading facilities for crude oil or condensate are exempt from Rule 503." This amendment eliminates an exemption for ships and barges.

(b) This section is applicable to ships and barges which use the port facilities within the Houston-Galveston Intra-state Region.

(c) Except as provided in paragraph (d) of this section, the owner or operator of a source subject to paragraph (a) of this section shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(d) Paragraph (c) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (a) of this section and which has certified such compliance to the Administrator by January 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the Administrator.

(3) To a source whose owner or operator submits to the Administrator by January 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1973. If approval is promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(e) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (c) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of its chapter.

Note: The compliance dates given in paragraphs (c) (1), (2) and (3) were temporarily suspended until May 30, 1975, at 40 FR 18437, April 28, 1975. The compliance date given in paragraph (c) (4) was temporarily suspended until October 1, 1975, at 40 FR 24186, June 5, 1975; until March 1, 1976 at 40 FR 47765, October 10, 1975; and until May 31, 1977, at 41 FR 9548, March 5, 1976.

(12.0)

52.2288

Control of Evaporative Losses from the Filling of Vehicular Tanks; Houston, San Antonio, and El Paso Regions.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.

(b) This section is applicable in the Houston-Galveston and San Antonio Intrastate Regions in Texas, and the Texas portion of the El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region.

(c) A person shall not transfer gasoline to an automotive fuel tank from gasoline dispensing systems unless the transfer is made through a fill nozzle designed to:

(1) prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or the dispensing nozzle;

(2) direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent (80 percent in the case of the El Paso Region) by weight of the organic compounds in displaced vapors are recovered; and

(3) prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle-filler neck interface to the dispensing tank, or to an adsorption, absorption, incineration, refrigeration-condensation system or equivalent.

(e) Components of the systems required by paragraph (c) of §§ 52.2285 and 52.2286 can be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill

neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing a system referred to in paragraph (c) of this section.

(g) All facilities subject to this section shall be divided into two classes. All facilities located in the Texas portion of the El Paso-Las Cruces-Alamogordo Interstate Region shall be in Class I. All other facilities in the State of Texas subject to this section shall be in Class II.

(h) Except as provided in paragraph (i) of this section, the owner or operator of a source included in Class I shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than July 1, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than September 1, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than April 30, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(i) The owner or operator of a source included in Class II shall comply with the increments contained in the following compliance schedule, except as provided in paragraph (i) of this section.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 1, 1976.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than April 30, 1977

(4) Final compliance is to be achieved not later than May 31, 1977.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(j) Paragraphs (g) and (h) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by June 1, 1974. The Administrator may request whatever information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975, in the case of Class I sources, and May 31, 1977, in the case of Class II sources. If approval is promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(k) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules of this section fail to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(1) Any gasoline dispensing facility subject to this regulation which installs a gasoline dispensing system after the effective date of this regulation shall comply with the requirements of paragraphs (c) and (g) (or (h)) of this section. In the case of Class I sources, a facility subject to this regulation which installs a gasoline dispensing system after May 31, 1975, shall comply with the requirements of paragraph (c) of this section at the time of installation. In the case of Class II sources, a facility subject to this regulation which installs a gasoline dispensing system after May 31, 1977, shall comply with the requirements of paragraph

(c) of this section at the time of installation.
(38 FR 30645, November 6, 1973, as amended at
39 FR 4882, February 8, 1974)

Note: The compliance dates given in (h) and (i) were
deferred indefinitely at 40 FR 1127, January 6, 1975,
and 40 FR 10466, March 6, 1975.

(51.16)

52.2289

Control of Evaporative Losses from Storage Vessels
for Crude Petroleum.

(a) Definitions:

(1) "Storage Vessel" means any stationary tank, reservoir, or container used for the storage of crude petroleum, but does not include pressure vessels which are designed to operate in excess of 15 pounds per square inch gauge without emissions to the atmosphere except under emergency conditions.

(2) "Crude Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(3) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in temperature and/or pressure and remains liquid at standard conditions (20°C and 760 mm of Hg).

(4) "Floating Roof" means a storage vessel cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(5) "Hydrocarbon" means any organic compound consisting predominantly of carbon and hydrogen.

(6) "Vapor Recovery System" means a vapor gathering system capable of collecting all hydrocarbon vapors discharged from the storage vessel and a vapor disposal system capable of processing such hydrocarbon vapors so as to reduce the emissions such that the aggregate partial pressure of all vapors or other material emitted from the vapor recovery system will not exceed a level of 1.5 psia.

(b) This section is applicable in the following Texas Counties: Brazoria, Dallas, El Paso, Galveston, Hardin, Harris, Jefferson, Matagorda, Montgomery, Nueces, Orange, San Patricio, and Tarrant.

(c) The provisions of this section are applicable to each storage vessel for crude petroleum and condensate which has a nominal storage capacity greater than 10,000 barrels (420,000 gallons).

(d) The owner or operator of any storage vessel to which this section applies shall store crude petroleum and condensate as follows:

(1) If the true vapor pressure of the crude petroleum or condensate, as stored, is equal to or greater than 78 mm Hg (1.5 psia) but not greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a floating roof or a vapor recovery system.

(2) If the true vapor pressure of the crude petroleum or condensate, as stored, is greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a vapor recovery system.

(e) Except as provided in paragraph (f) of this section, the owner or operator of a source subject to paragraph (d) of this section shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification no later than March 1, 1978.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin no later than June 1, 1978.

(3) On-site construction or installation of emission control equipment or process modification must be completed no later than December 31, 1979.

(4) Final compliance is to be achieved no later than February 29, 1980.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify in writing to the Regional Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (d) of this section and which has certified such compliance to the Regional Administrator by November 1, 1977. The Regional Administrator may request whatever

supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) A source whose owner or operator receives approval from the Administrator by November 1, 1977, of a proposed alternative schedule. No such schedule may provide for compliance after February 29, 1980. If approval is promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(12.0)

52.2290

Regulation for a Motor Vehicle Inspection and Maintenance Program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles which need emission control related maintenance and requiring that maintenance to be performed.

(2) All other terms used in this section which are defined in appendix N of Part 51 of this chapter are used with the meanings so defined.

(b) This section is applicable in those counties contained within Houston-Galveston Region and in Bexar, Guadalupe, Atascosa, Kendal, Medina, Comal, and Wilson counties which are within the San Antonio Instate Air Quality Control Region.

(c) The State of Texas shall establish an inspection and maintenance program applicable to all light duty vehicles registered in the counties subject to this section which operate on streets or highways over which it has ownership or control. No later than June 1, 1974, the State shall submit to the Administrator legally adopted regulations to adopt such a program. The State may exempt any class or category of vehicles which the State finds are rarely used on public streets and highways (such as classic or antique vehicles). The regulations shall include:

(1) Provisions for inspection of all light-duty motor vehicles at periodic intervals no more than one year apart by means of an idle test.

(2) Provisions for inspection failure criteria including measures to reduce vehicle hydrocarbon emissions by at least 8 percent in the first inspection cycle. If the Administrator determines, on the basis of air quality monitoring in the areas subject to this section, that the national ambient air quality standards for photochemical oxidants will not be attained by May 31, 1977, the foregoing failure criteria shall include measures to reduce vehicle hydrocarbon emissions by at least 11 percent, effective January 1, 1977.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally re-adjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This should include but not be limited to spot checks of the idle adjustments and/or a suitable type of physical tagging. This program shall include appropriate penalties for violation.

(5) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After April 30, 1975, the State shall not allow issuance of a Texas Department of Public Safety Inspection sticker for light duty motor vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After April 30, 1976, the State shall not register or allow to operate on its highways any light duty motor vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) After April 30, 1976, no owner of a light duty motor vehicle shall operate or allow the operation of such vehicle

which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(g) The State of Texas shall submit, no later than March 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include:

(1) The date by which the State will recommend any needed legislation to the State legislature.

(2) The date by which necessary equipment will be ordered.

(3) A signed statement from the Governor or State Treasurer identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation will be submitted.

Incentive Program to Reduce Vehicle Emissions Through
Increased Bus and Carpool Use

(a) Definitions:

(1) "Bus/carpool lane" means a lane on a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(2) "Central business district" is defined for each of the major cities in the affected areas as follows:

(i) For the City of Houston, in Harris County, that area bounded on the northwest by Interstate 45, on the southwest by Interstate 45, on the northeast by Franklin Street, and on the southeast by Crawford Street.

(ii) For the City of Dallas, in Dallas County, that area bounded on the west by Interstate 35, on the south by Interstate 20, on the east by Central Expressway (U.S. 75) and on the north by Woodall Rogers Freeway right of way.

(iii) For the City of Fort Worth, in Tarrant County, that area bounded on the west by Henderson Street, on the south by Interstate 20, on the east by Interstate 35 West, and on the north by Belknap Street.

(iv) For the City of San Antonio, in Bexar County, that area bounded on the west and northwest by U.S. 81, on the south and southeast by Alamo Street from U.S. 81 to Victoria Street, and by Victoria Street to the Southern and Pacific Railroad tracks, on the east by the Southern and Pacific Railroad tracks, and on the northeast by Jones Avenue to U.S. 81.

(b) On or before September 1, 1979, the State of Texas or a State designated local or regional transportation agency shall perform and complete feasibility studies, with recommendations, on incentive measures to reduce emissions by vehicles through increased bus and carpool use (or other appropriate measures) in the Harris, Dallas, Tarrant, and Bexar County area in Texas. The feasibility studies and plan implementation shall be based initially on three or more passenger carpools, with modification allowed under paragraph (e). Factors which should be considered in connection with the feasibility of such mechanisms should include, but are not limited to, the physical characteristics of the roads, predicted bus volumes, before/after person capacity with and without the measure, cumulative net time savings cost, the usefulness of mechanisms in reducing commuter vehicle miles traveled, and other costs and benefits to users and non-users. The feasibility studies shall also include a discussion of the measures considered and how the measures were organized

into a comprehensive plan. The criteria used for the selection or rejection of individual measures and plans should be explicitly stated. The measures and plans should also be ranked and categorized according to the scheme: Most feasible: ready for implementation in 1-3 years; feasible: appears to be feasible but requires further study; not feasible: permanently rejected.

Such measures shall include, but are not limited to:

(1) Alternative mechanisms for bus/carpool preferential treatment.

(i) Such mechanisms shall include, but are not limited to:

(A) Exclusive bus/carpool lanes, either with-flow or contraflow lanes;

(B) Preferential use by buses and carpools of freeway on and off ramps in the affected counties; and

(C) Signal pre-emption by buses.

(ii) Such mechanisms should be considered for use in the central business districts of the major cities in the affected counties and in the following traffic corridors and/or other routes as the study may determine to be feasible:

(A) Harris County.

(1) North and South corridor: Interstate 45 from Little York Road to Houston central business district to Almeda Genoa Road.

(2) North corridor: U.S. 59 from Little York Road to Interstate 10.

(3) West corridor: Interstate 10 from Gessner Road to Interstate 45.

(4) Southwest corridor: U.S. 59 from Fondren Road to Interstate 45.

(5) East corridor: Interstate 10 from East Loop 610 to Houston central business district.

(6) Circumferential corridor: Interstate 610.

(B) Dallas County.

(1) North and South corridors: U.S. 75 from Loop 635 North to Dallas central business district to South Loop 635.

(2) Northwest and South corridors: Interstate 35E from North Loop 635 to Commerce Street to South Loop 635.

(3) Southeast corridor: U.S. 175 from East Loop 635 to Dallas central business district.

(4) South corridor: Interstate 45 from South Loop 635 to Dallas central business district.

(5) East corridor: Interstate 20 from East Loop 635 to Dallas central business district.

(6) Northeast corridor: Interstate 30 from East Loop 635 to Interstate 20.

(7) Northwest corridor: Harry Hines Boulevard from North Loop 635 to Dallas central business district.

(8) West corridor: U.S. 80 from West Loop 12 to Dallas central business district.

(9) South corridor: U.S. 67 from Interstate 20 to Dallas central business district.

(10) Circumferential corridor: Interstate 635.

(C) Tarrant County

(1) North corridor: Interstate 35W from Loop 820 North to Fort Worth central business district.

(2) Northeast corridor: State Highway 121 from Loop 820 East to Fort Worth central business district.

(3) East corridor: U.S. 80 from East Loop 820 to Fort Worth central business district.

(4) Southeast corridor: U.S. 287 from Loop 820 East to Fort Worth central business district.

(5) South corridor: Interstate 35W from South Loop 820 to Fort Worth central business district.

(6) West corridor: Interstate 20 from U.S. 377 to Fort Worth central business district.

(7) West corridor: Camp Bowie Boulevard from U.S. 377 to West 7th Street and West 7th Street to Fort Worth central business district.

(8) Northwest corridor: U.S. 199 from Lake Worth Village to Fort Worth central business district.

- (9) Circumferential corridor: Interstate 820.
- (D) Bexar County.
- (1) North corridor: U.S. 281 from Loop 410 North to U.S. 81.
- (2) Northeast corridor: U.S. 81 B.R. from Loop 410 North to U.S. 81.
- (3) East corridor: Interstate 35 (U.S. 81) from Loop 410 East to San Antonio central business district.
- (4) Southeast corridor: Interstate 37 from Loop 410 South to Interstate 35 (U.S. 81).
- (5) Southwest corridor: Interstate 35 from Loop 410 South to Interstate 35 North (U.S. 81).
- (6) Northwest corridor: Interstate 10 (U.S. 87 North) from Loop 410 North to San Antonio central business district.
- (7) West corridor: U.S. 90 from Loop 410 West to Interstate 35.
- (8) Circumferential corridor: Interstate 410.
- (2) Toll restructuring on the two Texas Turnpike Authority roads (Dallas North Tollway and Dallas-Fort Worth Turnpike) so as to provide incentives for bus and carpool use, such as (but not limited to):
 - (i) Preferential lanes at toll gates and/or lower tolls for buses and carpools;
 - (ii) Raising tolls during commuting hours so as to collect all revenues during those hours and allowing free usage at other times.
 - (3) Other incentives for reduced vehicle use, such as (but not limited to):
 - (i) Transit system improvements including implementation or expansion of park and ride facilities.
 - (ii) Restriction or elimination of on street parking in the central business districts of the major cities.
 - (iii) Vehicle free or bus only zones.
 - (iv) Improved facilities for bicycle use including bikeways and storage facilities.

(c) On or before December 31, 1977, the State of Texas or a State designated local or regional transportation agency shall submit to the Regional Administrator a scope of work for each study specified in paragraph (b) of this section. The State or designated agency shall also submit on this date a schedule describing the timing and contributions of agency participants. On or before June 1, 1978, the State shall submit to the Regional Administrator a summary of progress to date and any necessary modification to the schedule of timing and contributions of agency participants. In addition to the complete feasibility studies which are to be submitted on or before September 1, 1979, a timetable showing the schedule of further detailed engineering studies and tentative implementation dates shall be prepared and submitted by the State and participating local and regional agencies for all those measures determined to be feasible or most feasible. To the fullest extent possible this timetable should coincide with, and the studies result from, the ongoing planning and programming activities required by the U.S. Department of Transportation in FR 42976, published September 17, 1975.

(d) The State of Texas shall structure the studies so as to ensure the effective participation of all affected State, regional, and local agencies whose area of jurisdiction would be affected by any matter to be studied. To the maximum extent possible, the studies should make use of the urban transportation plan for each region.

(e) The Regional Administrator may approve a carpool scheme for a specific traffic corridor based on less than three passengers per vehicle after a valid trial period and evaluation. Approval will be based on submission by the State of traffic and resulting hydrocarbon emission data for an implemented three or more passenger carpool on the corridor and a justification for change based on air quality impact.

(12.0)

52.2296

Carpool Matching and Promotion System

(a) Definitions:

(1) "Carpool" means two or more persons utilizing the same vehicle.

(2) "Major Employment facility" means any single employer location having 250 or more employees.

(3) "Commuter" means an employee who travels regularly to a place of employment.

(4) "Time-origin-destination(TOD) information" means specifications of a driver or rider's work schedule, home and work locations.

(b) This section is applicable to the following cities in the State of Texas: Houston, Dallas, Fort Worth and San Antonio.

(c) Each applicable city shall develop and implement a carpool matching and promotion system designed to encourage commuters of each respective city, on a voluntary basis, to utilize carpools by facilitating their making contact with other commuters having similar travel patterns to the same or neighboring work locations. The system shall be fully implemented by December 1, 1977. As a minimum, the system shall include the following:

(1) A method of collecting information which will include the following as a minimum:

(i) Provisions on each application for the commuter to specify TOD information and the applicant's desire to drive only, ride only, or share driving.

(ii) Provisions for making applications, with instruction, readily available to all commuting employees in each city.

(iii) Preparation and distribution to the major employment facilities in each city of information describing how the carpool matching system work and providing directions for the proper preparation of employee applications.

(2) A computerized method that will locate each applicant's origin in the urban area and destination within the city and match applicants with compatible TOD information. The results of the matching process will then be made available to applicants either through the employer or directly through the city.

(3) A method for providing continuing service so that a current list of all applicants is available for use by new applicants. The system will be periodically updated (every 6 months as a minimum) to correct TOD information and remove applicants no longer available for carpooling.

(d) A timetable for full implementation of the system required in paragraph (c) shall be submitted to the Regional Administrator by September 1, 1977.

(e) Each city shall periodically submit to the Regional Administrator a report on the progress of the carpool matching program which includes the number of applicants in the system, the estimated effectiveness of the system in promoting carpools, changes in the system since the last report, number of updates to the system, and a summary of efforts to promote carpooling and use of the matching system. The first report shall be due on December 1, 1977 and every year thereafter on December 1.

(f) Paragraphs (c) and (d) of this section shall not apply to a city which is presently in compliance by having already implemented an equivalent carpool matching system and which has certified compliance to the Regional Administrator by September 1, 1977. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(12.0)

52.2297

Employer Mass Transit and Carpool Incentive Program

(a) Definitions:

(1) "Employee" means any person who performs work for an employer thirty-five or more hours per week and for more than twenty weeks per year for compensation and who travels to and from work by any mode of travel.

(2) "Student" means any full-time day student who does not live at the educational facility and who travels to and from classes by any mode of travel.

(3) "Commuter" means an employee or a student who travels regularly to and from a facility.

(4) "Employment Facility" means any single location of a business nature with 250 or more employees working, at minimum, the same six core hours.

(5) "Educational Facility" means any single location of an educational nature of college level or of vocational training above the secondary level with 1,000 or more commuters.

(6) "Facility" means both an employment facility and an educational facility.

(7) "Employer" means any person or entity controlling an employment facility.

(8) "Educational institution" means any person or entity controlling an education facility.

(9) "Carpool" means a private motor vehicle occupied by two or more persons traveling together.

(10) "Single-passenger commuter vehicle" means a private motor vehicle with four or more wheels with capacity for a driver plus one or more passengers which is used by a commuter traveling alone to work or classes, and is not customarily required to be used in the course of his employment or studies.

(11) "Base date" means the date which is used as a reference for determination of compliance with this regulation.

The base date for all facilities shall be November 1, 1977, with the exception listed in paragraph (h).

(12) "Base date period" means the thirty day period immediately preceding the base date; "compliance date period" means the thirty day period immediately preceding the compliance date. In situations where the averaging periods are not appropriate, approval of an alternate period may be requested from the Regional Administrator.

(b) Applicability. This regulation shall be applicable to each facility located in the following counties of the State of Texas: Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties in the Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region; Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, and Waller Counties in the Metropolitan Houston-Galveston Intrastate Air Quality Control Region; Bexar, Comal, and Guadalupe Counties in the Metropolitan San Antonio Intrastate Air Quality Control Region.

(c) Each affected employer and educational institution shall develop and implement, and continuously maintain, an incentive program for each facility designed to encourage and increase use of mass transit and carpools by employees and students in their regular commuting to and from the facility. The following mandatory measures must be incorporated as a minimum into the incentive program for each facility:

(1) Posting in a conspicuous place or places of the schedules, rates and routes of mass transit service to the facility;

(2) Publicizing any applicable on-street parking restrictions including penalties for violations, which affect any areas adjacent to the facility being used for parking by commuters to the facility;

(3) Negotiations with authorities in charge of mass transit serving the facility for improved service to the facility;

(4) Incentives for bicycle commuting such as secure locking facilities and removal of restrictive rules against bicycle usage at the facility;

(5) Conducting or participating in a carpooling program (either alone, in cooperation with neighboring facilities, or as part of a city-wide system) which:

(i) Matches on a regularly recurring basis (not less often than once every six months) the names, addresses, and work telephone numbers of all commuters who commute in single-

passenger commuter vehicles to a facility or group of neighboring facilities so that such commuters with similar daily travel patterns are informed and aware of each other for the purpose of forming carpools, provided that commuters who state in writing that they do not wish to be matched on grounds of personal privacy may be omitted from the matching process;

(ii) Continuously publicizes the advantages of carpooling, both in terms of savings of fuel and money and any incentives in effect at the facility; and

(iii) Creates incentives for carpool formation by measures such as providing persons who carpool with first call on available parking spaces, spaces which are closest to entrances to the facility, or spaces which provide for most expedient exit at the end of the day.

(6) Publicizing the availability and locations, and encouraging the use, of park-and-ride facilities which could be used by employees and students.

(7) For a facility which has commuters who park on streets within one-half mile of the facility, negotiating with local municipal authorities for the curtailment of available on-street commuter parking.

(8) In the case of an affected employment facility with 1,000 or more employees, the employer shall include in the initial report required in paragraph (d) an evaluation of the feasibility of establishing a vanpool program for the facility. The report shall include: expected employee participation, any special problems in implementing such a program, progress or plans for implementing such a program, and identification of feasible alternative measures if a vanpool program is not considered feasible. The vanpool program would normally consist of the following elements:

(i) The employer would post in a conspicuous place and regularly notify all employees of a continuously outstanding offer to acquire a van or vans (by purchase, lease, or otherwise), to obtain insurance, and to make available to any group of at least eight employees a van for their use in a vanpool. Such offer would include:

(A) The procedures by which a group could accept the offer, including the designation of a driver.

(B) The conditions upon which the offer would be contingent, including acceptance by the prospective driver of the responsibility for providing regular service, training back-up drivers, and arranging vehicle maintenance, and acceptance by each other member of the prospective group of responsibility for payment of a pro rata share of all direct costs (such

as rental charge, licensing costs, insurance, tolls, fuel and repair) and indirect costs (such as depreciation and interest on borrowed funds) of the operation and maintenance of the vehicle;

(ii) The employer would analyze and continuously publicize the advantage of vanpooling, including any resulting cost savings, convenience and any incentive in effect at the facility. Such incentive could include providing persons who vanpool with priority treatment on available parking spaces or spaces which are closest to entrances to or exits from the facility;

(iii) Matching for the vanpool program would be coordinated with the carpool matching program, to facilitate the formation of vanpools.

(d) Each employer and educational institution shall submit to the Regional Administrator, by the initial reporting date specified in paragraph (f), a report on the program and its effectiveness signed by an authorized official of the facility. The report shall contain as minimum the following information:

(1) A description of the actions taken to comply with paragraphs (c) (1) through (c) (8) of this section and at other existing or planned incentive measures for the facility.

(2) The numbers of commuters regularly arriving at and leaving the facility for the base date period and the compliance date period by each of the following modes of transportation:

- (i) Single passenger commuter vehicle.
- (ii) Carpools.
- (iii) Van-type vehicles with 8 or more commuters.
- (iv) Mass transit.
- (v) Bicycles.
- (vi) All other.

(3) A description of the method for determining the information in paragraph (d) (2) of this section.

(e) Following the initial reporting date specified in paragraph (f), each employer and educational institution shall periodically submit to the Regional Administrator, for each facility, a report similar to that required in paragraph (d) of this section and containing the same types of information. The first such periodic report shall be due on the next succeeding June 30 after the initial reporting date and every year thereafter on June 30.

(f) The compliance date for the full implementation of paragraph (c) and initial reporting date for each facility shall be in accord with the type and size of the facility as shown in the following table:

Facility type	Size	Compliance date	Initial reporting date
Employment facility...	1,000 or more employees...	Oct. 1, 1978	Nov. 1, 1978
Do.....	500 to 999 employees.....	Nov. 1, 1978	Dec. 1, 1978
Do.....	250 to 499 employees.....	Dec. 1, 1978	Jan. 1, 1979
Educational facility..	5,000 or more commuters...	Oct. 1, 1978	Nov. 1, 1978
Do.....	1,000 to 4,999 commuters..	Nov. 1, 1978	Dec. 1, 1978

(g) Each educational institution or employer submitting reports required by this section shall retain for at least three years all supporting documents and data upon which such report was based.

(h) For a facility established after the effective date of this section, the base date shall be the date on which regular operations were commenced. The compliance date and initial reporting date shall be six months and seven months, respectively, after the date on which regular operations commenced.

(12.0)

52.2298

Monitoring Transportation Mode Trends

(a) The State of Texas or a designated agency approved by the Regional Administrator shall monitor the changes in vehicle miles traveled (VMT) and average vehicle speeds as a result of the measures required under §§ 52.2294, 52.2296 and 52.2297.

(b) No later than May 31, 1978, the State of Texas shall submit to the Administrator a detailed program demonstrating compliance with paragraph (a) of this section in accordance with § 51.19 (d) of this chapter. The program description shall include the following:

(1) The agency or agencies responsible for conducting, overseeing and maintaining the monitoring program.

(2) The administrative process to be used.

(3) A description of the methods to be used to collect the emission reduction, VMT reduction, and vehicle speed

data including a description of any modeling techniques to be employed.

(c) All data obtained by the monitoring program shall be included in the quarterly report submitted to the Regional Administrator by the State, as required at § 51.7 of this Chapter, and in the format prescribed in Appendix M, Part 51 of this chapter. The first quarterly report shall cover the period January 1--March 31, 1979.

(10.0) 52.2299 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

- (1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.
 - (i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:
 - (a) Highways and roads.
 - (b) Parking facilities.
 - (c) Retail, commercial and industrial facilities.
 - (d) Recreation, amusement, sports and entertainment facilities.
 - (e) Airports.
 - (f) Office and Government buildings.
 - (g) Apartment and condominium buildings.
 - (h) Education facilities.
 - (ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.
 - (iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.
 - (iv) The term "aircraft operation" means an aircraft take-off or landing.
 - (v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

- (vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.
 - (vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).
 - (viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.
 - (ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.
- (2) The requirements of this paragraph are applicable to the following:
- (i) In an SMSA:
 - (a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or
 - (b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or
 - (c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or
 - (d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.
 - (ii) Outside an SMSA:
 - (a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

- (b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.
 - (iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:
 - (a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.
 - (b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.
 - (iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.
- (3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:
- (i) For all indirect sources subject to this paragraph, other than highway projects:
 - (a) The name and address of the applicant.
 - (b) A map showing the location of the site of indirect source and the topography of the area.
 - (c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

- (d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.
- (e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.
- (f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.
- (g) Availability of existing and projected mass transit to service the site.
- (h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.
- (i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

- (a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.
- (b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.
- (c) Expected passenger loadings at the airport.
- (d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

- (iii) For highway projects:
 - (a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.
 - (b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.
 - (c) A map showing the location of the highway project, including the location of buildings along the right-of-way.
 - (d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.
 - (e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.
- (iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.
- (4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:
 - (a) Cause a violation of the control strategy of any applicable state implementation plan; or
 - (b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.
- (ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

- (5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.
- (ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.
- (6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:
 - (a) Cause a violation of the control strategy of any applicable state implementation plan; or
 - (b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.
- (ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.
- (iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

- (7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.
- (8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.
- (ii) Within 30 days after receipt of a complete application, the Administrator shall:
 - (a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.
 - (b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and
 - (c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.
- (iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

- (iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.
- (v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.
- (vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.
- (9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:
 - (a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;
 - (b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

- (c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.
- (ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.
- (10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.
- (11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.
- (12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.
- (13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(17.0) 52.2303 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

- (1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.
- (2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.
- (3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.
- (4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.
- (5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.
- (6) "Construction" means fabrication, erection or installation of a stationary source.
- (7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

- (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

- (2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Area Designations		
Pollutant	Class I (ug/m ³)	Class II (ug/m ³)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

- (ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.
- (iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.
- (3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.
- (ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:
- (a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and
- (b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

- (c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and
 - (d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.
 - (e) The redesignation is proposed after consultation with the elected leadership of local and other sub-state general purpose governments in the area covered by the proposed redesignation.
- (iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:
- (a) The redesignation is consistent with adjacent State and privately owned land, and
 - (b) Such redesignation is proposed after consultation with the Federal Land Manager.
- (iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:
- (a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,
 - (b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.
- (v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

- (a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,
 - (b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.
- (vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:
- (a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.
 - (b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.
 - (c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

- (d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.
- (e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.
- (f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.
- (vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may re-submit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

- (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

- (i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.
 - (ii) Coal Cleaning Plants.
 - (iii) Kraft Pulp Mills.
 - (iv) Portland Cement Plants.
 - (v) Primary Zinc Smelters.
 - (vi) Iron and Steel Mills.
 - (vii) Primary Aluminum Ore Reduction Plants.
 - (viii) Primary Copper Smelters.
 - (ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.
 - (x) Sulfuric Acid Plants.
 - (xi) Petroleum Refineries.
 - (xii) Lime Plants.
 - (xiii) Phosphate Rock Processing Plants.
 - (xiv) By-Product Coke Oven Batteries.
 - (xv) Sulfur Recovery Plants.
 - (xvi) Carbon Black Plants (furnace process).
 - (xvii) Primary Lead Smelters.
 - (xviii) Fuel Conversion Plants.
 - (xix) Ferroalloy production facilities commencing construction after October 5, 1975.
- (2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

- (i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (iii) of this section which has occurred since January 1, 1975.
 - (ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.
 - (iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.
- (3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

- (4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.
 - (ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.
 - (iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.
- (5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

- (1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.
- (ii) Within 30 days after receipt of a complete application, the Administrator shall:

- (a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.
 - (b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and
 - (c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.
- (iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.
- (iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.
- (v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

- (vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.
- (2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.
- (3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.
- (4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.
- (f) Delegation of authority
- (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.
- (2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:
- (i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.
- (ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

- (3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.
- (4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be re-delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

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